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M. TVLLI CICERONIS

PRO

GNAEO PLANCIO

ORATIO AD IVDICES

HOLDEN

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GNAEO PLANCIO

ORATIO AD IVDICES

WITH INTRODUCTION ANALYSIS AND COMMENTARY

BY THE REV.

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PREFACE

THE *Planciana* is not included in any English edition of select orations of Cicero, nor has any separate edition of it ever been published with English notes. And yet it must be regarded as one of Cicero's best, if not so choice a specimen of formal perfection as the *Miloniana*, or of such historical importance as the *Verrines* or *Catilinarians*. 'There is no tearing of any enemy to tatters,' as Mr Anthony Trollope well remarks in his *Life of Cicero*, 'but there is much pathos and a few passages in it of peculiar force.' Such are the orator's lively comments on the caprice of the people in their appointment of magistrates, on the relation between a candidate for office and his electors, and on the arts of electioneering; on the use of the ballot; on political consistency: such is the famous comparison between the *pecuniae debitio et gratiae*, and such again the beautiful irony with which he ridicules the pretensions of the prosecutor.

It is the more surprising then, that while other speeches of Cicero have been edited and re-edited, this has lain in comparative neglect. Wunder's edition, 'which' it has been said 'may safely be pronounced to be the most elaborate, if not the ablest, edition of any of Cicero's works,' has been long out of print, and Köpke's is practically useless, the notes being written in German. No apology therefore seems to be needed for the publication of a new edition with English notes for the use of students at the University and for boys at public schools.

The present commentary will be found exhaustive, as I have taken account of every word and phrase in the speech likely to create difficulty and left none unexplained; and, though perhaps to critics some of my notes may appear unnecessarily ample or too elementary, teachers will not think them so who know how much assistance students require, especially when they have not the opportunity of consulting good books of reference or the inclination to appeal to original authorities. My guides throughout have been the editions of Wunder and of Köpke: the former, produced at the expense of seven years' labour, is especially valuable for illustration, and I acknowledge once for all my great obligations to it: the Introduction is mainly taken from the latter. Frequent references have been made to the best Grammars in use; for experience has taught me that this is the surest means of fixing the important principles of syntax in the mind. The principal variations of reading have been given in an Appendix on the text, and full Indexes have been added (1) of proper names and (2) of all the words and phrases which have been commented on in the notes. The Chronological Table of the principal events in the life of Cicero with especial indications of names mentioned in this speech, and a list of his other extant speeches, will be found useful to students preparing for an examination.

In short, I have spared no pains to make the edition as complete and trustworthy as a book should be which appears under the auspices of a great University.

ATHENAEUM CLUB
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INTRODUCTION

(a) *Circumstances which led to the exile of Cicero and events which followed immediately upon it*

§ 1. WHEN in B.C. 58 Gaius Julius Caesar, afraid of the reversal of his acts, had procured the election to the consulship of two of his own creatures, Aulus Gabinius and L. Calpurnius Piso Caesoninus[1], whose daughter Calpurnia he had recently married, P. Clodius, who had gained his tribunate in December of the preceding year, in order to execute his projected plan of revenge against Cicero, secured their countenance and assistance in his design. Cicero asserts[2] that they concluded a regular compact with the Tribune on the understanding that, while they should obtain through his agency the provinces they most coveted, they were to abandon the Commonwealth to his discretion; and this compact they agreed to ratify mutually by Cicero's ruin. Besides the personal pique Clodius had against Cicero, and the desire to gratify his revenge against an adversary who had given evidence to upset his *alibi* in his trial for an offence against religion in invading the mysteries of the *Bona Dea*, the removal of such a man as Cicero was necessary to the success of the revolutionary designs which he had formed, similar to those of Catiline and Caesar, for the

[1] or. p. Planc. § 86 l. 9.

[2] or. p. Sest. c. 10, Abeken *life and letters of Cicero* (ed. Merivale 1854) p. 122—3.

destruction of the established social order. Clodius' first object was to gain the favour of the people, which he did by enacting laws[3] that flattered them and by appearing in the light of their benefactor. He then began his attack on Cicero by proposing a *rogatio*, that if any man had caused a Roman citizen to be put to death without a regular hearing and formal sentence he should be outlawed[4]; and introduced into his bill a prohibitive clause to prevent either the senate or the people from repealing the law. This *rogatio*, which without expressly naming him was clearly aimed at Cicero, so overwhelmed him with surprise and grief, that he immediately laid aside his senatorial dress and went about in the equestrian habit, soliciting all who had influence, both friends and enemies. The *equites* sent a deputation to the consuls and the senate on his behalf; the senate passed a resolution to put on mourning, as an expression of their sorrow for him, but were forbidden by an edict of the consuls to do so[5]. Abandoned by the nobles and by the party chiefs who had it in their power to aid him—by Caesar, who spared no pains to attach him to himself in spite of all rebuffs, and by Pompeius who had so often pledged his word to him, and by the cautious Crassus who would not support an unpopular cause, Cicero took counsel whether to oppose force to force, or to quit Rome and withdraw himself from the coming storm. But his nature was little suited to deeds of strife and violence: accordingly he succumbed to his enemies and quitted Rome, before sentence was pronounced against him, at the end of March. On the same day Clodius carried his bill, having filled the forum with his gang of armed slaves and mercenaries. The edict was so far modified that the ban was to extend only to a distance of four hundred miles[6]. Cicero's object was to repair to Sicily or Malta, for these islands, Sicily in particular, had been long devoted to

[3] or. in Pis. c. 4 sq., or. p. Sest. c. 15, Long *Decline of Roman Republic*, III p. 446 ff.

[4] *qui civem Romanum interemisset, ut ei aqua et igni interdiceretur*, Vell. Pater. II 5.

[5] or. in Pison. c. 8.

[6] ep. ad Att. III 4.

him. He was near Vibo at the house of his friend Sicca, when he first received a copy of the *rogatio de pernicie sua* and heard of the mitigation of his sentence which did not permit him to remain in either of these islands. So, the weather not allowing of a voyage, he hastened overland by way of Thurii and Tarentum to Brundisium[7], intending to cross thence into Greece. He did not, however, enter the town, which was well affected to him, out of regard to its welfare, but spent 13 days on the estate of his friend M. Laenius Flaccus[8], who, at the peril of his life, granted a refuge to the exile. This noblehearted man then placed him, when he no longer felt it safe to remain in Italy, aboard a vessel in which he crossed to Dyrrhachium, where also he met with a favourable reception. His friend Atticus offered him his estate at Epirus as a place of residence; but Cicero was afraid on account of Antonius and other Catilinarians of residing either there or at Athens. He sent his slave Phaethon to Athens to meet his brother Quintus, who was expected there on his return from his province, and to desire him to come to Thessalonica, while he himself hastened by the most northerly route to Macedonia, where his dear and highminded friend Cn. Plancius was the quaestor[9]. Plancius, on hearing of his landing at Dyrrhachium, hastened to meet him and carried him to his own dwelling at Thessalonica[10], where he arrived about the 22nd of May. Here he experienced the love and devotion of his true and faithful protector until the middle of November.

But Cicero was no Stoic by nature and, however tranquillized for a time, remained still very unsettled and so much depressed and crushed in spirit, that he actually declined a visit from his brother, who had arrived at Athens and whom just before he longed to see[11], and was even on the point of self-destruction. He gave way to unmanly complaints and bitter self-

[7] or. p. Planc. cc. 40, 41.

[8] ep. ad fam. XIV 4 § 2, or. p. Planc. c. 41, or. p. Sest. § 131.

[9] ep. ad Att. III 8.

[10] or. p. Planc. § 98 l. 8.

[11] ep. ad Qu. fr. I 3 § 1.

reproaches that he had not opposed force to force, even though it should have cost him his life, and deplored the fatal step he took in leaving Rome before he was directly impeached. His letter addressed to Atticus (III 19) on the 16th of September is a living testimony of the impatience and deep despondency which had laid hold on him. When his enemy Piso entered on his province of Macedonia, Thessalonica was no longer a safe abiding-place for Cicero. He accordingly abandoned this asylum and arrived at Dyrrhachium, which was a free town, on the 16th of November.

§ 2. In the meantime Cicero's friends at Rome were bestirring themselves with more energy and determination. On the first of June his friend the tribune L. Ninnius proposed his recall, and a full senate resolved unanimously to recommend the measure to the people's acceptance, but their vote was nullified by the opposition of the tribune Aelius Ligus. With the view of obtaining Caesar's consent to his recall, P. Sestius, the tribune designate for the next year, travelled to Gaul, but he failed to obtain from him effectual assistance[12]. The consuls elected for the next year were P. Cornelius Lentulus a friend of both Pompeius and Cicero, and Q. Metellus Nepos who was no longer hostile to him. Eight of the tribunes now espoused the cause of Cicero[13], and on Oct. the 29th published a bill (*rogatio*) for his recall[14], which was supported by the consul elect P. Cornelius Lentulus Spinther, but opposed by the consuls Piso and Gabinius and by the tribune Ligus. On the first of January in B.C. 57 Lentulus now consul proposed Cicero's restoration; a great fight ensued in the forum, in which the tribune P. Sestius nearly lost his life, and was obliged to collect a force for his defence. Milo attempted to bring Clodius to trial on the charge of riot (*de vi*), but in vain. The senate passed a resolution of thanks to Cn. Plancius for his care of Cicero[15], at the same time to recommend Cicero to the protection of governors of provinces, and to summon the

[12] or. p. Sest. § 71.
[13] or. p. Pl. § 28 l. 9 n.
[14] ep. ad Att. III 23.
[15] or. pro Planc. § 78 l. 13.

people from all parts of Italy to defend the interests of the exile. The popular feeling was strongly displayed in Cicero's favour, Pompeius exerted himself in earnest for him[16], and a crowded senate confirmed by their vote his declaration that the preservation of the state was due to Cicero alone. Finally the *lex Cornelia de restituendo Cicerone* passed the *comitia centuriata*[17] on the fourth of August, the Italian voters being especially enthusiastic in the cause. On the fifth Cicero reached Brundisium where he was met by his daughter, and on the eighth, while he was still there, he was informed of the enactment of the bill for his return. After a triumphant progress amid general demonstrations of respect he arrived at Rome on the fourth of September, in the eighteenth month of his exile. On the fifth he thanked the senate for what they had done in a written speech[18], which he read on the occasion.

His next care was the recovery of his villas and his house on the Palatine, which Clodius had demolished and dedicated on its site a Temple to Liberty, thus hoping permanently to alienate the whole area from Cicero. The validity of this dedication and the restoration of the property became a question to be decided by the Pontifical College, before whom Cicero pleaded on the thirtieth of September[19]. They decided

[16] or. in Pis. c. 32.

[17] ep. ad Att. IV 1 § 4, or. in Pison. § 35, or. p. Sest. c. 63.

[18] ep. ad Att. IV 1, 5, or. p. Planc. c. 30. There is a speech extant entitled *cum senatui gratias egit*, in which Cic. thanked the senate in general, the consuls, Cn. Pompeius, P. Servilius, L. Gellius, L. Ninnius, Milo, and Sestius with the other tribunes who had been friendly to him, Cn. Plancius and his brother Quintus and spoke gratefully of the services of his deceased son-in-law Piso. There is extant also a speech entitled *cum populo gratias egit*, not mentioned in the letter to Atticus, which is a kind of abridgment of the other in the matter. Opinions are still divided about the genuineness of these two orations. See Long *Decl. R. R.* Vol. IV p. 93, Teuffel *Hist. of Rom. Liter.* I p. 273.

[19] ep. ad Att. IV. 2, 3 *post illas datas litteras secuta est summa contentio de domo: diximus apud pontifices pridie K. Octobris. Acta res est accurate a nobis, et si umquam in dicendo fuimus aliquid aut etiam si umquam alias fuimus, tum profecto dolor et magnitudo vim quamdam nobis dicendi dedit*, Dio Cass. XXXIX 11. There is the same difference of opinion

that the consecration was illegal and that the area might without prejudice to religion be restored to Cicero. This judgment reeeived the support of nearly all the members of the senate, and a resolution was carried, notwithstanding the vehement opposition of Clodius, for the restoration of Cicero's house and for the payment of two million sesterces to rebuild it.

Rome was meanwhile disturbed by the riots of Clodius, who looked forward to obtaining the aedileship and thus escaping the punishment due to his lawless acts. In spite of the attempts of Milo, as tribune, to hinder the comitia for the election of aediles and of the proposal of L. Racilius[20] for a legal inquiry into his conduct, Clodius was chosen curule aedile next year on the 22nd of January. The first thing he did was to commence a prosecution against Milo which, however, he was forced to drop. He then instigated M. Tullius Albinovanus to charge P. Sestius, the late tribune, with a breach of the peace. One of Cicero's most important orations was in defence of his friend and supporter, who was acquitted by the votes of all the jurymen[21] on the 13th of March. Before this, on the 11th of February, in a speech no longer extant he had defended L. Bestia on a charge of bribery in his suit for the Praetorship. He was more fortunate in his defence of M. Caelius, charged with an intention to assassinate the Alexandrian envoy Dio and to poison[22] Clodia. Lastly, he delivered his great speech *de provinciis consularibus*, in which he urged the recall of the ex-consuls Piso and Gabinius from their respective provinces Syria and Macedonia on account of their bad administration[23], but spoke against the proposal to recall Caesar at the end of the first five years of his Gallic command, thus publicly ratifying his submission to the triumvirs.

about the genuineness of the extant oration *de domo*, as about the speech of thanks to the senate and that to the people.

[20] or. p. Planc. § 77 l. 32.

[21] ep. ad Quint. fr. II. 4 § 1.

[22] The speech for M. Cispius which was delivered this year, referred to in the or. p. Planc. § 75, is not extant.

[23] or. de prov. cons. c. 15, 16.

After this oration Cicero at the request of Cn. Pompeius defended L. Cornelius Balbus, a native of Gades, on a charge of exercising the Roman franchise illegally.

§ 3. The year 55 B.C. (=699 A.U.C.) opened with great disturbance. The elections still continued to be interrupted, so that it became necessary to appoint an Interrex, and it was only at the conclusion of the first quarter that Cn. Pompeius Magnus and M. Licinius Crassus, consuls each for the second time, were able to enter upon the duties of their office. While the tribune of the plebs Gaius Trebonius proposed his bill to the popular assembly (*lex Trebonia*) that the consular provinces, Syria and the two Spains, should be held for five years, and also that Caesar's administration of his province should be prolonged for another five years, Cicero, yielding passively to the stream of events, had retired to his Puteolan villa[24], where he commenced his three books *de Oratore*[25], and came back to Rome only to reply to the insulting speech which Piso addressed to the senate in answer to the charges Cicero had made against him. Crassus carried his *lex de sodaliciis*[26] through and quitted Rome for his province Syria before the expiration of his office and without providing for the elections of the next year. An election of aediles for the year B.C. 54, which should have taken place under his presidency, had not been held[27], and no other magistrates for that year were chosen except the consuls L. Domitius Ahenobarbus and Appius Claudius Pulcher, and even their election was deferred till the close of the year B.C. 55. The aediles for the year B.C. 54 must therefore have been elected in that same year and perhaps in the beginning of the second half of it, because Plancius was accused before he entered on his office, certainly after P. Vatinius, whose trial did not take place until July. We may conclude then that Plancius and Plotius were chosen in the

[24] ep. ad Att. IV. 9.

[25] ep. ad Att. IV. 13.

[26] or. p. Planc. § 36, § 39, § 41, § 44, § 45, § 49, Dio Cass. XXXIX. c. 37 p. 523 ed. Sturz, Orelli Onom. Tull. III. p. 201.

[27] or. p. Pl. § 49, § 53, § 54, § 50 *prolata comitia*.

summer of B.C. 54 curule aediles for the remainder of the current year.

(b) *The defendant Gnaeus Plancius*

§ 4. Cn. Plancius came of a plebeian family of equestrian rank[28], and was born at Atina[29], an ancient city in the Sabine hills not far east of Arpinum, which was first a *praefectura* governed by magistrates from Rome and subsequently obtained the *civitas cum suffragio.* His father Gnaeus Plancius was a highly respectable and influential burgess in his *municipium*, a member of the society of *publicani* and a founder as well as manager or director of several of their companies[30] for farming the taxes, and was frequently employed as arbiter and counsellor in mercantile enterprises. In his younger years Plancius the elder had served in the army of P. Crassus[31], who was consul in B.C. 97 and who in B.C. 93 celebrated a triumph over the Lusitanians. At a later period of his life he incurred the displeasure of the optimate party because of his vehemence in demanding an abatement of the terms of a contract concluded unreservedly by a company of *publicani* in Asia for the farming of the provincial imposts. In B.C. 61 this company, which of course belonged to the *ordo equester*, complained to the senate that they had offered too much and asked for a reduction of the sum because of the straits to which Asia was reduced by the war and of the impossibility of collecting the taxes from the already oppressed provincials. C. Julius Caesar supported their prayer, while M. Cato, who thought that they ought to be kept to the bargain which they had made in their excessive eagerness, exerted himself to the utmost against them and by his speeches so protracted the session that there was no time for a division. And so the matter was postponed, and perhaps might not have been

28 § 17 l. 23, § 32 l. 21.
29 § 19 l. 18, § 22 l. 20.
30 § 23 l. 5, § 24 l. 11, § 31 l. 14, § 32 l. 28.
31 § 32 l. 25.

brought on again but have died a natural death, if Caesar had not obtained for them the remission of a third by bringing the subject before the people[32]. Gnaeus Plancius expressed himself on this occasion in rather strong terms against the optimates[33]. In the meantime he lived on the most friendly terms with Cicero and was so still[34], when this action was brought against his son by Laterensis[35].

§ 5. The speech tells us the particulars of the early life of the son also. Gnaeus Plancius the younger had in the year of Sulla's death B.C. 78 (=A.U.C. 676) served in Africa[36] under the propraetor A. Torquatus, and ten years later in B.C. 68 followed Q. Metellus the proconsul to Crete[37]. Here his relative Cn. Saturninus, also a native of Atina, was his contemporary, whose father was the first of his *gens* and *praefectura* to hold the offices of aedile and praetor[38]. In B.C. 62 Cn. Plancius was military tribune in the army of Gaius Antonius proconsul of Macedonia[39]. It was whilst stationed here that he conveyed the tidings to his father's friend Cicero, that Gaius Antonius, in making his requisitions on the provincials, was giving out that a part of them were intended to satisfy the pressing demands of Cicero[40]. In B.C. 58 he became quaestor in Macedonia to the propraetor L. Appuleius and, in spite of his official position, was highminded and generous enough to receive the exiled Cicero into his house at Thessalonica and to afford him hospitality and protection for several months[41]. Later, while Cicero was staying at Dyrrhachium, Cn. Plancius hastened to Rome in order to forward his own election to the tribuneship of the plebs in B.C. 57. He arrived there before Cicero[42], and was elected tribune for the next year, B.C. 56[43]. In B.C. 55,

32 § 35 l. 5.
33 § 33 l. 32, § 35, schol. Bob. p. 259.
34 § 25 l. 30, § 72 l. 5.
35 § 24, § 102 l. 33.
36 § 27 l. 18.
37 § 27 l. 26, § 61 l. 14, § 85 l. 25.
38 § 19 l. 25, § 27 l. 27, § 29 l. 18.
39 § 28 l. 32, § 61 l. 14.
40 ep. ad Att. I 12, 2.
41 § 28 l. 33, § 61 l. 15, § 98, § 2, § 25 l. 32, § 68 ff., § 71, § 95.
42 § 26 l. 2.
43 § 26 l. 13, § 28 l. 8, § 60 l. 7, § 77 l. 30, ep. ad Q. fr. II 1 fin.

in the second consulship of Pompeius and Crassus, he became a candidate for the aedileship for the following year, B.C. 54. It has been already stated (p. xv) that the elections were not completed in this year[44] but postponed till the following in consequence of some protest. His competitors were A. Plotius[45], Q. Pedius and M. Juventius Laterensis[46]; he was elected together with A. Plotius to hold the public games, as curule aedile[47], for the remainder of the year. At his election he was supported by the hearty co-operation of his friends and townsmen; the friendship of Cicero and the social influence of his father were also a considerable help to him. The two tribes *Teretina*[48] and *Voltinia*[49] were interested in his behalf because of his birthplace. It was not surprising that Laterensis failed, for relying on his high birth and social rank he had taken little or no trouble to secure his election. At first C. Plancius, it appears, wished for him as his colleague in the aedileship, since at the first comitia in B.C. 55 he seems to have obtained for him the votes of the tribes that were friendly to himself. But owing to the indifference shown by Laterensis in his canvass Cn. Plancius abandoned all hope of serving him, and as he ran the risk of losing his own election by supporting such an unpopular rival, he effected a coalition with A. Plotius at the second comitia and was ultimately chosen aedile with him[50].

(c) *The prosecutor Laterensis.*

§ 6. M. Juventius Laterensis was a native of Tusculum[51], a plebeian by birth[52] but *nobilis*[53], for he came of a consular family on his father's as well as his mother's side[54]. His father was not living at the time of this suit[55]. As quaestor

44 § 49, § 54.
45 § 17 l. 33 and § 54.
46 c. 4—c. 6.
47 § 53 l. 33.
48 § 19 l. 18, § 21 l. 15.
49 § 38 l. 5, § 43, § 54 l. 18.
50 § 54.
51 § 19 l. 15.
52 § 58 l. 13, § 13, ep. ad Att. II 18, 2.
53 § 12 l. 22, § 67 l. 26.
54 § 18 l. 9.
55 § 51 l. 27.

he exhibited games at Praeneste[56], and afterwards served as proquaestor in Cyrene. In B.C. 59 he became a candidate for the tribuneship, but withdrew from his candidateship, amid the applause of the conservative party, because he refused in his candidatorial speech (*oratio in toga candida*)[57] to bind himself by an oath prescribed to all magistrates to observe Caesar's law[58] respecting the distribution of the public land in Campania. He was denounced by L. Vettius in B.C. 59 as an accessory and privy to a conspiracy against Gnaeus Pompeius[59], and he acquired thereby the character of a man *dies atque noctes de laude et de republica cogitans.* When Cicero went into exile in B.C. 58, Laterensis felt a warm sympathy for him[60] and showed himself generally a zealous and uncompromising member of the optimate party. His partisanship made him unpopular and his democratic adversaries watched their opportunity to raise suspicion against him. In his dissatisfaction at the course of events he withdrew from public life and was consequently forgotten even by the members of his own party. When then in B.C. 55 and 54, in the second consulship of Pompeius and Crassus, he became a candidate for the curule aedileship, he could not fail to perceive that he had little or no chance of success[61]. Plancius wished for him as a colleague, until he saw that his own prospects might possibly be injured by his support of Laterensis. It was not until the year 51 B.C. that he recovered lost ground and obtained sufficient popularity to be elected praetor[62].

He appears once more in history as a *legatus* in the army of M. Aemilius Lepidus, governor of the provinces of Hispania citerior and Gallia Cisalpina in B.C. 43. When Antonius came to Gaul after the battle of Mutina, Laterensis tried in vain to confirm Lepidus in his allegiance to the senate; and, as soon as Lepidus threw open the gates of the camp to the victor,

[56] § 63 l. 10.
[57] § 13 l. 2, § 63 l. 11.
[58] § 13 l. 8, § 52 l. 24, ep. ad Att. II 18, 2.
[59] or. in Vatin. § 26, ep. ad Att. II 24, 3.
[60] § 2 l. 21, § 5 l. 32, § 72 l. 32, § 86 l. 1.
[61] § 13, § 53.
[62] ep. ad fam. VIII 8, 2.

perished by his own hand, thus sealing his devotion to the senatorial party with his blood.

(d) *The conduct of the case*

§ 7. Just before Cn. Plancius entered on his aedileship, M. Juventius Laterensis accused him of the crime of *sodalicium* or bribing the tribes by the illegal organisation of clubs. He employed as his *subscriptor* or junior counsel L. Cassius Longinus, whom Cicero treats with a certain amount of respect[63], calling him his *familiaris* and describing his speech as being *perelegans et persubtilis, digna equitis Romani vel studio vel pudore.* L. Cassius was brother to Gaius Cassius Longinus, one of Julius Caesar's murderers. On the breaking-out of the civil war he was sent in B.C. 48 by Caesar as one of his legates into Thessaly, to watch the movements of Metellus Scipio[64]. In B.C. 44 he was elected tribune of the plebs[65]. He was not himself one of Caesar's murderers, but Cicero speaks of the applause which he received as brother of Gaius at the *ludi Apollinares* exhibited by Brutus in order to conciliate the populace[66]. Subsequently he espoused the side of Octavianus against Antonius, by whom he and two of his colleagues were forbidden to approach the capitol, when the senate assembled there to declare Octavianus an enemy of the state, for fear they should oppose their veto to the decree of the senate. On the reconciliation of Octavianus and Antonius, fearing the revenge of the latter he fled to Asia, but after the battle of Philippi in B.C. 41 he was pardoned by Antonius.

§ 8. The defence of Cn. Plancius was conducted by Q. Hortensius[67] and M. T. Cicero. Hortensius made his reply to the charge on the first day. Cicero spoke on the second, consequently on the last day (*extremo loco*), which was the place of honour. There were thus two *actiones*, the second of which took up

[63] § 58 l. 3.
[64] Caesar bell. civ. III 34.
[65] or. Phil. III § 23.
[66] ep. ad Att. XIV 2, 1, ad fam. XII 2, 2; 7, 1.
[67] or. p. Planc. § 37 l. 24.

one day, the first lasted perhaps two, taking into account the preliminary preparations for the case and the probability that the opening speech of the prosecution was ample and full of detail. The defence of the first *actio* feil on the second of these days. M. Juventius opened with the speech for the prosecution and Hortensius replied to him; then followed the proofs. On the following day L. Cassius spoke while Cicero replied. We do not know whether there was a fresh array of proofs produced[68]. The witnesses on behalf of Plancius were C. Sacerdos, L. Flaccus (§ 27), envoys from the province of Macedonia (§ 28); Cn. Saturninus (§ 19, § 29), T. Torquatus (§ 27) and Q. Metellus are mentioned as having been present at the trial. Cicero's actual speech was not the same as that which has come down to us: this he did not publish until September B.C. 54 at the express desire, as it appears, of his brother[69].

(e) *The circumstances of the case*

§ 9. M. Juventius Laterensis brought his charge against Cn. Plancius under the *lex Licinia de sodaliciis*, a procedure which was considered to bear so hard upon the accused, that Cicero says, it seemed as if he were being tried by executioners rather than *judices*[70]. No doubt severe punishment was desirable to check the attempts of ambitious candidates to secure the votes of the people by corrupt practices. But the more stringent the laws became, the more they indicated an increase of corruption, and as they were so often introduced and carried by men who had themselves been found guilty of the very offences which they were intended to punish, they inspired no confidence and were mostly made use of to cheat and get rid of opponents.

§ 10. When once power and the right of election to state offices is vested in the people, it is absolutely necessary for any

[68] A. W. Zumpt *Criminalprozess der Röm. Rep.* p. 229 ff.

[69] ep. ad Qu. fr. III 1 *orationes efflagitatas pro Scauro et pro Plancio absolvi.*

[70] § 41 l. 30.

one who seeks to obtain such offices to conciliate the multitude upon whose favour he depends. He must enter upon a course of electioneering (*ambitio*). This might be done without infringing the laws which regulated the procedure at elections by methods such as those enumerated by Quintus Cicero in his *Commentariolum de petitione consulatus* or letter to his brother Marcus on the duties of a candidate for the consulship, a sort of handbook of electioneering tactics[71]. He advises him therein, with a view to the result, to be active in securing the hearty and zealous cooperation of friends of all grades and points out various ways of effecting this object[72]. He must have troops of followers (*salutatores, deductores* and *adsectatores*), be lavish of his presence in public (*semper cum multitudine esse*), 'dive into men's hearts with humble and familiar courtesy[73],' canvass all thoroughly and in good earnest, make liberal promises of professional assistance (*opera*), refusing no application, and must not take a definite part in politics but manage so as to please all parties. Cicero refers to all these means of permitted *ambitus* in the present speech[74], he employed them himself at the time of his own candidature and at a later period as the supporter (*fautor*) of his younger friends.

[71] Prof. Tyrrell *Intr. to letters of Cicero* p. LXIII.

[72] c. VIII *primum senatores equitesque Romanos, ceterorum ordinum navos homines et gratiosos complectere......; deinde habeto rationem urbis totius, collegiorum omnium, pagorum, vicinitatum: ex eis principes ad amicitiam tuam si adiunxeris, per eos reliquam multitudinem facile tenebis. Postea totam Italiam fac ut in animo ac memoria tributim discriptam comprensamque habeas, ne quod municipium, coloniam, praefecturam, locum denique Italiae ne quem esse patiare in quo non habeas firmamenti quod satis esse possit, perquiras etiam et investiges homines ex omni regione eosque cognoscas, appetas, confirmes, cures, ut in suis vicinitatibus tibi petant et tua causa quasi candidati sint......Ita cum et hos ipsos, propter suam ambitionem qui apud tribules suos plurimum gratia possunt, studiosos in centuriis habebis, et ceteros, qui apud aliquam partem tribulium propter municipii aut vicinitatis aut collegii rationem valent, cupidos tui constitueris, in optima spe esse debebis.*

[73] § 41 *altera pars petitionis, quae in populari ratione versatur, desiderat nomenclationem, blanditiam, adsiduitatem, benignitatem, rumorem, spem in republica.*

[74] § 45, § 50, § 66.

§ 11. The election to State offices (*honores*) was carried chiefly through the votes of the candidate's own *tribus*. It was the object therefore of himself and his friends to secure the votes of this and of as many as they could of the remaining 34[75]. Accordingly Cicero by his recommendation of Plancius made a zealous effort to win the tribes to his side[76]. The same was done by others for their friends, as by Caesar and by Clodius[77]. Besides such recommendations, the candidate's friends busied themselves in obtaining votes for him by giving public banquets to the tribes (*convivia tributim data*)[78], by assigning reserved places to the *tribules* at the gladiatorial and other shows (*spectacula tributim data*)[79]. To obtain the votes of a tribe for a friend by these and such means was called *tribum conficere*. They were criminal if employed not *tributim* but *vulgo tributim*, that is, among the whole people in their 35 tribes.

§ 12. When a man had a number of tribes in his favour, he might increase that number by coalition with another candidate so as to unite their interests, in order to throw out a third who was likely to prove formidable to either singly. This was called *tribum conferre* or *concedere*[80]. Thus, if one of the two candidates had nine tribes and the other as many other tribes, by forming a coalition (*coitio*) both candidates together might secure 18 and so an absolute majority of the whole 35 tribes. Cicero himself held this to be a perfectly legal method of electioneering, and assisted at such coalitions himself, as may be inferred from a letter to his brother Quintus[81]. Other evidences of coalition are given by Asconius in his commentary on Cicero's speech *in toga candida*[82], which was directed against

[75] or. p. Planc. c. 16—c. 19. Q. Cic. de pet. cons. c. 5 and c. 8, Dio Cassius 36, ~~41~~ 38

[76] § 24 l. 20 ff.

[77] or. p. Mil. § 25, Suet. Iul. Caesar c. 41 *et edebat per libellos circum tribum missos scriptura brevi* 'Caesar dictator illi tribui. Commendo vobis illum et illum, ut vestro suffragio suam dignitatem teneant.'

[78] Q. Cic. de pet. cons. § 43, or. p. Mur. § 67, § 72.

[79] or. p. Planc. § 45 l. 8, ep. ad fam. XI 16, 3, Qu. Cic. de pet. cons. § 18.

[80] § 54 l. 8.

[81] III 1, 16.

[82] *nescis me praetorem primum esse factum, te concessione com-*

the *coitio* between C. Antonius Hybrida, son of the orator, and Catiline, and by Cicero himself in this speech[83] where we are led to conclude that before the first interrupted election Plotius and Plancius had promised the second votes of the tribes on whom they could rely to Pedius and Laterensis respectively, but that previously to the second election—*ne in angustum venirent*—they had promised each other the votes which they had respectively at their disposal. Cicero further refers to a *coitio* in his speech on behalf of Milo[84] where it is stated that Clodius was successful in bringing about a coalition between Milo's rivals in order to exclude him from the consulate (*deicere honore*).

§ 13. *Coitio* was not subject to any penal laws, so long as it was not employed for purposes dangerous to social order. Such a *coitio* was that between the Triumviri at Luca in B.C. 55 to prevent Lucius Domitius Ahenobarbus from being a candidate for the consulship because he had threatened that he would, if elected, carry into execution the measures he had proposed in his praetorship[85]. In the same way C. Memmius and Cn. Domitius Calvinus in B.C. 54—when the former was supported by Caesar, the latter by L. Domitius Ahenobarbus and Appius Claudius Pulcher, the consuls of the current year—caballed to exclude Scaurus Pompey's candidate[86]. So also Lucceius and Balbus caballed to exclude Caesar. Another reason why *coitiones* were not subject to any legal enactment was

petitorum et collatione centuriarum et meo maxime beneficio e postremo in tertium locum esse subiectum, ap. Orelli Cic. Vol. V part II p. 85.

[83] § 53.

[84] or p. Mil. § 25.

[85] Dio Cass. 37, 57.

[86] ep. ad Att. IV. 15, 7 *Memmium Caesaris omnes opes confirmant; cum eo Domitium consules iunxerunt, qua pactione epistulae committere non audeo, Pompeius fremit, queritur, Scauro studet.* ibid. 18, 2 *consules flagrant invidia; quod C. Memmius candidatus pactionem in senatu recitavit, quam ipse et suus competitor Domitius cum consulibus fecissent cet.*, with which cp. ep. ad Q. fr. II 15, 4 and III 1, 16 *quod scribis te audisse in candidatorum consularium coitione me interfuisse, id falsum est. Eiusmodi enim pactiones in ea coitione factae sunt, quas postea Memmius patefecit, ut nemo bonus interesse debuerit: et simul mihi committendum non fuit, ut eis coitionibus interessem, quibus Messala excluderetur.*

because there were already laws existing to punish any attempts subversive of social order that might arise from them, and also because the mutual agreements between candidates were of a private nature, so that it would have been an interference with personal liberty to deprive a man of the right of promising assistance to a friend. Had there been any such law, Cicero would have dealt with the coalition between Plancius and Laterensis in a different manner from what he has done in his speech[87].

§ 14. When we add that greater facilities for influencing the votes of the multitude were provided by the Ballot Act of Gabinius (*lex Gabinia de magistratibus mandandis*[88]) carried by A. Gabinius tribune in B.C. 139, which enacted that in elections voting should be by ballot, i.e. by writing the name of the candidate on a ticket or tablet (*tabella*), and that the conscience of Roman officials was so lax, that even notorious bribery, at least in the case of P. Vatinius and his colleagues in the praetorship in B.C. 55, was countenanced[89] by a *Senatus consultum in sententiam Afranii factum*, we get a glimpse of the utter corruption of Roman political society, which no legislative prohibitions could check in its downward course to ruin.

§ 15. While, however, *liberalitas* in conducting a canvass was allowable, *largitio*[90] or the employment of bribery and corruption was the object of several penal enactments. Regular agents (*interpretes*) were employed to make the bargain and secure the elector and the money promised (*pronuntiata*)[91] was paid by the candidates themselves either directly to the paymasters (*divisores*)[92] for distribution or to trustees (*sequestres*) appointed by the parties, who held it until the elections were over. The *divisores* probably distributed the money, at least as much of it as did not stick to their fingers, among their

[87] cp. the skill with which he handles the *largitio* of Milo in the or. p. Mil. § 95.
[88] de legg. III § 35, de am. § 41.
[89] ep. ad Qu. fr. II 8, 3.
[90] or. p. Mur. § 77.
[91] or. p. Planc. § 45, ep. ad Att. I 16, 13.
[92] ep. ad Att. IV 16, 7, or. p. Planc. § 55 l. 22.

respective tribules[93]. Their trade was regarded as an infamous one.

f. *Laws relating to* ambitus

§ 16. The oldest laws relating to *ambitus* do not apply to *largitio*. Thus the earliest enactment, of which we have mention (B.C. 432), simply forbade persons to add white to their dress with a view to an election[94]. 'This seems to mean' says Long 'using some white sign or token on the dress to signify that a man was a candidate. The object of the law was to check canvassing (*ambitio*)[95].' The next enactment was the *lex Poetelia* (B.C. 358), which forbade candidates to carry on their canvass anywhere but in the Forum and Campus Martius[96]. It was passed, Livy tells us, mainly to check the pretentions of *novi homines*, of whom the *nobiles* were jealous. But the growing absence of conscientiousness, increasing ambition, the hope of re-establishing ruined fortunes by the unscrupulous appropriation of official revenues, the prevalence of self-seeking, factious aims gradually multiplied illicit expedients, and commensurately the endeavours of the better affected to counteract these by legislative enactments. Thus subsequently to the second century B.C. the laws against *ambitus* became more numerous; unhappily, they often had to be enforced by the very men who

[93] Cic. refers to the intrigues of Gaius Verres with the *divisores* to prevent his election to the aedileship, or. in Verr. I § 22—§ 23 *divisores omnium tribuum noctu ad istum vocatos......continuo* (Verrem) *esse pollicitum quantam vellent pecuniam, si me aedilitate deiecissent*. There is a story told by Cicero de harusp. resp. § 42 of Clodius that, when acting as *sequester*, he killed the *divisores*, who were staying in his house, in order to appropriate the money held in trust from them: *divisores omnium tribuum domi ipse suae crudelissima morte mactavit*. Cf. ep. ad Att. I 16, 13.

[94] *ne cui album in vestimentum addere petitionis liceret causa*, Liv. IV 25, 13.

[95] ambitio, says Gronovius, *nihil est aliud quam intempestiva captatio gratiae ac favoris, plerumque efficax, ut eius ergo ius et officium migremus.*

[96] Liv. VII 15, 12 *de ambitu ab C. Poetelio tribuno plebis auctoribus patribus tum primum ad populum latum est; eaque rogatione novorum maxime hominum ambitionem, qui nundinas et conciliabula obire soliti erant, compressam credebant.*

had notoriously obtained their own offices by forbidden means. In 181 B.C. the *lex Cornelia Boebia*[97] was passed, and in B.C. 159 in the consulship of Cn. Cornelius Dolabella and M. Fulvius Nobilior another *lex de ambitu;* it is impossible to say whether the *lex Cornelia Boebia* or the *lex Cornelia Fulvia* is designated in the *Scholia Bobiensia* p. 361 Or. as the *lex Cornelia*, where it is said *damnati lege Cornelia hoc genus poenae ferebant ut magistratuum petitione per decem annos abstinerent.* The same Scholiast adds to the above words, in relation to a law passed at the desire of the senate in the consulship of C. Calpurnius Piso and M'Acilius Glabrio B.C. 67:—*Aliquanto postea severior lex Calpurnia et pecunia multavit et in perpetuum honoribus iussit carere damnatos, habebant tamen licentiam Romae morandi*, with which Ascon. in Cornel. p. 68, 19[98] partially agrees. Besides the heavy penalties inflicted on the candidates themselves, it is probable that a fine was also inflicted on the agents and in particular on the *divisores*, and that rewards were promised to those who had been condemned for *ambitus*, if they procured the conviction of another on the same charge. This *lex Aelia Calpurnia* was repeated with some additional rigour as to its penal clauses in the *lex Tullia de ambitu*, which was passed in Cicero's consulate B.C. 63, and the purport of which is given in the Scholia[99], and in Dio Cas-

[97] Liv. XL 19, 11.

[98] *lex haec Calpurnia de ambitu erat. Tulerat eam ante biennium C. Calpurnius Piso consul, in qua praeter alias poenas pecuniaria quoque poena erat adiecta.* Cf. Dio Cass. XXXVI ~~21~~: ἐπὶ τοῦ Ἀκιλλίου τοῦ τε Πίσωνος κατὰ τῶν δεκασμοῦ περὶ τὰς ἀρχὰς ἁλισκομένων ἐνομοθετήθη πρὸς αὐτῶν τῶν ὑπάτων, μήτ' ἄρχειν μήτε βουλεύειν σφῶν μηδένα, ἀλλὰ καὶ χρήματα προσοφλισκάνειν, or. p. Mur. § 46, § 67.

[99] Schol. Bob. p. Sest. p. 309 *legem, quae auctoribus consulibus eodem Cicerone et C. Antonio de ambitu lata est multo severior quam fuerat illa Calpurnia; praescribebatur enim inter cetera*, ne candidatus ante biennium quam magistratum petiturus esset munus populo ederet, *propter ambitum scilicet, ne hoc ipso popularis animus eblanditus designationi eius succumberet*, also p. Sulla p. 362 *poenam de ambitu graviorem consules C. Antonius et Cicero sanxerunt, ut praeter haec veteribus legibus* (Cornelia Calpurnia) *constituta etiam exilio multarentur.*

sius[100] as well as by Cicero himself in several passages of the speeches *pro Murena*[101] and *in Vatinium* and others[102].

§ 17. The *lex Tullia* was preceded by a *lex Fabia* in B.C. 66, by which candidates were forbidden to be escorted by a long train of clients and followers (*sectatores*): nothing more is known of this law but what is contained in an allusion to it in the speech for Murena[103]. A similar provision was contained in a *senatus consultum* B.C. 64, when Cicero a few days before the comitia delivered his election speech (*oratio in toga candida*) against the coalition (*coitio*) of Catiline and Gaius Antonius, his competitors for the consulship[104]. On being made consul he resumed the measure against *ambitus*, which had been arrested by the protest (*intercessio*) of the tribune of the people Orestinus[105]. He was supported by all true patriots, amongst others by Servius Sulpicius, who wished for some change of the laws

[100] XXXVII 29 ἔδοξε τῇ βουλῇ δέκα ἐτῶν φυγὴν τοῦ Κικέρωνος ἐς τὰ μάλιστα ἐνάγοντος τοῖς ἐπιτιμίοις τοῖς ἐπὶ τῷ δεκασμῷ τεταγμένοις προσνομοθετῆσαι.

[101] § 47 *legem ambitus flagitasti, quae tibi non deerat; erat enim severissime scripta Calpurnia: gestus est mos et voluntati et dignitati tuae......poena gravior in plebem tua voce efflagitata est; commoti animi tenuiorum; exilium in nostrum ordinem: concessit senatus postulationi tuae: morbi excusationi poena addita est*, cf. ib. § 89.

[102] or. p. Sest. § 133 *acta mea sibi ait displicere. quis nescit? qui legem meam contemnat, quae dilucide vetat gladiatores biennio, quo quis petierit aut petiturus sit, dare:* interr. in Vat. § 37 *atque etiam illud audire a te cupio; quare, cum ego legem de ambitu tulerim ex senatus consulto, tulerim sine vi, tulerim salvis auspiciis, salva lege Aelia et Fufia, tu eam legem esse non putes; cum mea lex dilucide vetet, biennio, quo quis petat petiturusve sit, gladiatores dare nisi ex testamento praestituta die*, or. p. Plancio § 83.

[103] § 71 *legi Fabiae quae est de numero sectatorum et senatusconsulto, quod est L. Caesare consule factum, restiterunt, nulla est enim poena quae possit observantiam tenuiorum ab hoc vetere instituto officiorum excludere.*

[104] or. p. Mur. § 67 *dixisti senatus consultum me referente esse factum*, si mercede obviam candidatis issent, si conducti sectarentur, si gladiatoribus locus tributim et item prandia si vulgo essent data, contra legem Calpurniam factum videri. On the meaning of the word *coitio* see n. on § 53.

[105] Ascon. in Cic. or. in tog. cand. p. 83 Orelli.

relating to elections under certain conditions, viz. to establish *confusio suffragiorum*[106] or 'mass-voting,' as a means of preventing bribery, whenever a fresh election took place in consequence of an elected magistrate having been convicted of *ambitus*. Sulpicius also proposed a change in the method of judicial procedure: we hear now for the first time of *iudices editicii* to try cases of bribery, his proposal being that there should be 125 jurors nominated (*editi*) by the accuser out of the *decuriae* of *equites* and *aerarii tribuni*, of which the defendant might challenge (*reicere*) 75, leaving 50, so that there should be a jury of 75 in all, including 25 senators who were to be appointed in some other way[107]. These proposals, however, of Sulpicius were not carried; but the bill proposed by Cicero (*lex Tullia de ambitu*), occasioned by the electoral corruption of the preceding year, was more successful. It was supplementary to the *lex Acilia Calpurnia*[108], defining the proofs of guilt more closely and adding to penalties fixed by it in the case of senatorial candidates ten years exile. It also forbade certain practices tending to influence the electors unduly even when money was not offered, such as the presence of crowds of hired attendants (*deductores* and *sectatores*). It seems also to have imposed penalties on the *divisores*[109]. It also forbade 'treating,' as no person was allowed to exhibit gladiatorial shows or give public payments within two years before he was a candidate, except under the peculiar circumstances of its being required by a testamentary disposition[102].

[106] 'Servius proposed that the votes should not be given by *tribus* or *centuriae* in the usual way, but that a majority of all the votes should decide. This measure would have helped very much to check bribery, for as each *centuria* had a vote, which vote was determined by a majority in the *centuria*, it was much easier to secure a majority by bribery and other ways in a small number of electors than to deal with the whole body of electors.' *Long*. On the other hand, by the adoption of such a measure, property would lose its legitimate influence in the *Comitia Centuriata* and the *Comitia Tributa* would be at the mercy of the urban tribes.

[107] or. p. Planc. § 41.

[108] *multo severior quam Calpurnia* Schol. Bob.

[109] or. p. Planc. § 55.

Another provision of the *lex Tullia* was that the accused should not be allowed to defer or adjourn the trial on the plea of illness, but that it should be continued without interruption until terminated[110].

§ 18. The *lex Tullia*, however, was not more efficacious in quelling the spirit of corruption than any previous enactments. We still hear of large sums being spent upon elections. Cicero in one of his letters to Atticus[111] mentions two decrees of the senate being passed in B.C. 61, at the instance of M. Cato and Domitius, to check certain electioneering abuses; one authorising search of the houses of magistrates who were suspected of having bribery money deposited with them; another ordaining that any magistrate, in whose house bribery agents were harboured, should be held guilty of a state offence. There is mention in the same letter of a bill proposed by the tr. pl. Aufidius Lurco, that the mere promise of money to the tribes for their votes without payment should not be punishable, but that the actual payment of it should be punished by a heavy fine[112]. The proposed bill, however, was not passed.

These enactments of the *lex Tullia* and the two *senatus consulta* of the year B.C. 61 were still in full force, when Cicero delivered his speech in favour of Plancius. It is of them he speaks in § 44[113], and Laterensis also referred to them in his indictment.

§ 19. A second mode of *ambitus* was by means of clubs or associations (*sodalicia*). Gnaeus Plancius was charged by M. Juventius Laterensis with having procured his aedileship through the intrigues of such associations. Cicero's object is to prove that the charges brought against his client were in reality

[110] Some however think that this provision applied not to the defendant but to the jurors or witnesses.

[111] ep. I. 16, 13: *unum ut apud magistratus inquiri liceret; alterum, cuius domi divisores haberentur, adversus rem publicam* (facere videri).

[112] *novi est in lege hoc, ut, qui nummos in tribus pronuntiarit, si non dederit, impune sit, sin dederit, ut quoad vivat singulis tribubus* HS CIↃ CIↃ CIↃ *debeat.*

[113] *noli putare legibus istis, quas senatus de ambitu sanciri voluerit cet.*

not for offences specially against the *lex Licinia de sodaliciis* but for ordinary *ambitus*[114]. The possibility of such a mistake being made indicates a certain relation between *crimina ambitus* and *sodaliciorum*, though their diversity appears from this oration no less than from the fact that the tribunals for trying the two offences were distinct, that the same person could be tried for each separately[115], and lastly that, whereas unsuccessful candidates could be punished for *ambitus*[116], for *sodalicia* only those actually elected were punishable.

§ 20. The question, then, is what was the essential import of *sodalicia* and what its affinity with and distinction from ordinary *ambitus*.

The right of combination in common pursuance of common aims was not restricted in Roman law. There was no enactment abolishing this right in a general way, for the laws usually cited to prove the contrary apply to nightly assemblages and gatherings, to popular meetings not presided over by a magistrate, or to specially-named unions, as the law against the *Bacchanalia:* indeed the xii tables contained, according to Gaius, a clause permitting assemblages in cases where no existing decree was infringed by them. Thus arose the *sodalitates*, the *collegia* and the *sodalicia*, for whose members the general term *sodales* was in use, although the objects of the several associations were essentially different.

§ 21. The *sodalitates* or brotherhoods for the maintenance of certain religious rites and also for social purposes[117] were very

114 or. p. Planc. § 36.

115 or. p. Cael. § 16, Ascon. in Milonianam ed. Orelli Vol. v, part II p. 40 *postulatus erat et de sodaliciis et de ambitu.*

116 or. Phil. XI § 11, Brut. § 113.

117 Cic. de am. § 45 represents Cato as saying: *Habui semper sodalis—sodalitates autem me quaestore constitutae sunt sacris Idaeis Magnae matris acceptis—epulabar igitur cum sodalibus, omnino modice, sed erat quidam fervor aetatis, qua progrediente omnia fiunt in dies mitiora*, de orat. II § 200 *pro sodali, qui in liberum loco more maiorum esse debebat*, or. in Verr. II I § 93 *en cui tuos liberos committas! en memoriam mortui sodalis!...manus a sodalis filio abstinere non potuisti.*

ancient institutions at Rome. It was customary for members of such brotherhoods not to sue one another at law, but rather to contribute to each other's defence; it was held mean and dishonourable not to share in expenses for their mutual support[118]: even sons had a claim on their father's *sodales*[119] for protection, and sometimes outsiders incurred the obligation of a whole *sodalitas* by their support of a single *sodalis*[120]. Thus it was but natural that candidates for state offices should be upheld by members of their own *sodalitas*, who did not scruple to use any means, lawful or unlawful, of furthering and carrying their political ends. It is easy to see how under the guidance of factious men these brotherhoods might be used for the purposes of bribery or as centres of agitation and organisation of political plots; the different *sodales* might work on different tribes and divide their adherents into *decuriae*, the better to keep an eye upon them and command their services. Thus their proceedings might in some cases become dangerous to tranquillity and social order, and accordingly the *senatus consultum* of January B.C. 56 *ut sodalitates decuriatique discederent* was directed against them; and those who resisted this decree were made amenable to the *lex de vi*[121]. It follows that *sodalitates* were no longer in existence at the time of the

[118] Hence Cic. in the or. p. Caelio § 26 says of the *Lupercorum sodalitas* that it is *fera quaedam atque agrestis, quorum coitio illa silvestris ante est instituta quam humanitas atque leges, si quidem non modo nomina deferunt inter se sodales, sed etiam commemorant sodalitatem in accusando, ut ne quis id forte nesciat timere videantur.*

[119] Cf. or. p. Mur. § 56 *accusat Ser. Sulpicius, sodalis filius, cuius ingenio paterni omnes necessarii munitiores esse debebant.*

[120] Q. Cic. de pet. cons. § 29: *hoc biennio quattuor sodalitates hominum ad ambitionem gratiosissimorum tibi obligasti, C. Fundani, Q. Galli, C. Corneli, C. Orchivi: horum in causis ad te deferendis quid tibi eorum sodales receperint et confirmarint scio; nam interfui.*

[121] Hence the passages where Cicero mentions *sodales*, whose *raison d'être* was being members of a *sodalitas*, are either in speeches delivered before B.C. 56 (as or. p. Sull. § 7, or. in Verr. II § 93) or in writings where the usages of an earlier period are spoken of (de orat. II § 200, Brut. § 166, de nat. deor. III § 80, ep. ad fam. XII 14, 7).

Planciana. As to Wunder's supposition that the *sodales* were the managers of an election, it is sufficiently refuted by Long[122].

§ 22. Quite different from these *sodalitates* were the *collegia*, which were voluntary associations founded on unity of occupation and intended to protect the real or supposed interests of the several members. They were entitled to hold property for the general interest. Some of these bodies resembled our companies; thus we read of *collegia opificum*[123] at Rome, and in the provinces there were *collegia naviculariorum*, or 'companies of ship and boat owners.' Others were of a religious character, as the *collegia pontificum, augurum, epulonum, fratrum arvalium;* others were bodies concerned in administration as *praetorum*,

122 'Wunder (*Prolegomena* p. LXXIV) supposes that certain men named *sodales*, who were bribed by a candidate, compelled or brought together (*cogebant*) the multitude to vote for the briber; and that to each *sodalis* a candidate assigned a certain part of a tribe for him to look after, and that it was the business of these supposed *sodales* to procure votes for the candidates in whatever way they could. But this is a new meaning of the word *sodales*, whereas the law would take the word in the usual, old-established acceptation; and, if it did not, it would be necessary for the law to give a new meaning to the term and to define it; and how, we may ask, could those election agents appointed by the several candidates form a *sodalicium*, when the only connexion between them was the fact of their working for their employer, and *sodalicium* was a term already used for clubs and associations which were common in Rome? Nor could the voting be managed in such a way as Wunder supposes, for men could not be driven to the poll by force (*vi*), and even if what we call undue influence and intimidation were used, the voter had the ballot to protect him, and the ballot was effectual (or. p. Planc. § 16).' LONG *Decline of the Roman Rep.* Vol. IV p. 276, 1872. On the other hand in his article on *ambitus* Dict. of Antiq. p. 77 b a. 1853 the same writer says of the *lex Licinia* that it was specially directed against a particular mode of canvassing, which consisted in employing agents (*sodales*) to mark out the members of the several tribes into smaller portions, and to secure more effectually the votes by this division of labour. This distribution of the tribes was called *decuriatio* (or. p. Planc. § 45).

123 These were the *fabri aerarii* (Plin. N. H. 34, 1 § 1), *tignarii, fictores, ferrarii, aurifices, fullones, pistores, tibicines et fidicines Romanorum qui sacris publicis praesto sunt.* (The strike of the *tibicines* recorded in Livy IX 30 reads like an account of a modern trades-union). Cf. Hor. Sat. I. 2.

tribunorum plebis, *decurionum*, *decemvirorum* and the like[124]; and we find mention in Livy[125] of a *collegium ad ludos Capitolinos faciendos ex eis qui in Capitolio atque arce habitabant* and even of a *collegium* of *Cornelii* as existing in B.C. 65, when Cicero delivered his speech for Cornelius[126], which suggests the idea of a league formed to support a political party. The members of these *collegia* were likewise called *sodales*, at all events at a later time[127], and had their periodical meetings and common *sacra* and their own statutes. The foundation of such corporations may be traced back to the period anterior to the abolition of the monarchy[128]. In course of time we read of these unions occupying the public places of Rome in times of great excitement and threatening disturbance of social order; hence in B.C. 68[129] a decree of the senate was passed limiting the right of combination of the lower classes and suppressing such associations as were judged to be mischievous and hurtful to the state. But ten years later these limits were set aside and the prohibition against certain classes of *collegia* removed by P. Clodius,

[124] de off. III § 13, or. in Verr. II 2 § 100, Liv. IV 26, 9; 44, 12; 53, 7; XXXVIII 36, 4; XLII 32, 7, Caesar de b. civ. I 72, Sueton. Aug. c. 100.

[125] V. 50, 4, cf. ib. 52, 11; Cic. ad Qu. fr. II 5, 2; Long's *Decline Rom. Rep.* III p. 215.

[126] *Quid ego nunc tibi argumenta respondeam...Cornelios ita multos, ut iam etiam collegium constitutum sit?* upon which Asconius has a note 'frequenter tum etiam coetus factiosorum hominum sine publica auctoritate malo publico fiebant: propter quod postea collegia s. c. et pluribus legibus sunt sublata praeter pauca atque certa, quae utilitas civitatis desiderasset quasi ut fabrorum fictorumque.' Ascon. in Corn. p. 75 Or.

[127] Tac. Ann. I 54 *idem annus novas caerimonias accepit addito sodalium Augustalium sacerdotio, ut quondam T. Tatius retinendis Sabinorum sacris sodalis Tatios instituerat*, III 64, Hist. II 95, Suet. Claud. 6, Galb. 8.

[128] Mommsen *Hist. Rom.* Vol. I p. 186—187.

[129] L. Iulio, C. Marcio consulibus, quos et ipse Cicero supra memoravit, senatus consulto collegia sublata sunt quae adversus rem publicam videbantur esse: ea...........Solebant autem magistri collegiorum ludos facere, sicut magistri vicorum faciebant, Compitalicios praetextati, qui ludi sublatis collegiis discussi sunt. Post novem deinde annos quam sublata erant P. Clodius tribunus plebis lege lata restituit collegia. Ascon. in Pisonianam, Cic. Orelli Vol. V Part II p. 7, Dio. Cass. XXXVIII 13.

who by his bill *de collegiis restituendis novisque instituendis* was able to establish street-clubs (*collegia compitalicia*), which were nothing else than a formal organisation of the whole free or slave proletariate of the capital[130]. Such new associations would not be able or willing to contribute anything to maintain their clubs (like the old legitimate guilds which derived their funds probably from the contributions of the members), but would expect to be paid for their services by those who used them for their own purposes.

Thus *sodalitates* were brotherhoods instituted for the purpose of feasting and sacrifice, belonging to the same temple-worship: *collegia* were associations whether of experts for maintaining more surely and easily the traditions of their calling, or of the lower ranks of the population with a settled organisation for guarding and propagating their political opinions. As the first were suppressed in B.C. 58 and the second re-established in the same year, it follows that at the time of the *Planciana* only *collegia* could have been in existence.

§ 23. Among these associations the *sodalicia* also must be

130 Mommsen *Hist. Rom.* IV p. 311, p. 531. Cic. p. Sest. § 33 *isdem consulibus inspectantibus servorum dilectus habebatur pro tribunali Aurelio nomine collegiorum, cum vicatim homines conscriberentur, decuriarentur, ad vim ad manus ad caedem ad direptionem incitarentur*, or. in Pison. § 11 *pro Aurelio tribunali... dilectus servorum habebatur ab eo qui nihil sibi umquam nec facere nec pati turpe esse duxit*, ib. § 23, or. p. red. in sen. § 33 *servos simulatione collegiorum nominatim conscriptos*, Mommsen *de coll. et sodal.* p. 73 sqq. 'Such organised bodies of men were peculiarly dangerous in a city where there was no regular armed force, and no efficient police. Their political action might be made very efficient for political purposes. They could intimidate, make demonstrations like modern political clubs, and carry by force the measures of those who hired them. A few men would govern and the rest of the members would obey the wishes or the commands of those who were entrusted with the management of the affairs, for it is a general rule that those who are named the servants or agents of others, become in time their masters.' Long l. c. III p. 216, p. 447 ff. Cicero in his exile complained that Atticus allowed him to be under the delusion that he was a gainer by the enactment of the bill on the *Collegia*, on the ground that he and his friends might have their hired partizans as Clodius would have his. But his courage failed him, when the danger came, and he then saw his mistake.

reckoned. As *sodalicius* is an adjective[131], the full title is *collegia sodalicia*, as it appears in inscriptions and in the Digests[132]. They were really a revival of the *sodalitates* in another form. In so far as they were associations of members of tribes for the pursuit of a definite object, they were *collegia*. But as they resembled the original *sodalitates* in the support which their members afforded to each other in the courts of justice, in popular assemblies and at elections, these *collegia* were *sodalicia*. Thus they were political clubs within the *tribus*, founded often by the candidates themselves, as by P. Clodius in B.C. 58. Their principal, if not their only, aim was to organise and retain in their own hands a system of bribery[133], so as, if possible, to divert any charge of *ambitus* from the candidates to themselves, trusting to their numbers to afford them security. So the old evil reappeared in a new form. Hence such a *collegium* is called[134] a *consensio quae magis honeste quam vere sodalitas nominatur*, because it is not really a *sodalitas* in the primary sense of the word. But since each member of a *collegium sodalicium* may be also spoken of as a *sodalis*, we find Cicero in § 46 saying *cupidos et gratiosos—tu si sodalis vocas, officiosam amicitiam nomine inquinas criminoso*.

§ 24. The *crimen sodalicii*, therefore, which formed the *acte d'accusation* of Gnaeus Plancius, was for the organisation of clubs in order to exercise undue influence over the elections[135]. But Laterensis, in order to gain his cause, must prove, which he failed to do, these facts:—*Plancium decuriasse, conscripsisse, sequestrem fuisse, pronunciasse, divisisse*, that he had planned a *decuriatio tribulium* and a *discriptio populi*.

131 Cornific. ad Herenn. IV § 64 uses *sodalicium* in reference to *convivium: venit in aedes quasdam in quibus sodalicium erat futurum*.

132 Th. Mommsen *de collegiis* p. 32.

133 Hence M. Licinius Crassus, as author of the *lex de sodaliciis*, is called *harum ipsarum legum ambitus auctor* or. p. Planc. § 49. The plural *leges* is used of one law in reference to its different chapters.

134 or. p. Planc. § 37.

135 The *modus operandi* may be gathered from this speech § 44—§ 47: cf. § 37, § 39.

Those who wished to enter such a club and bind themselves to its objects, had to give in their names to the president (*magister collegii*), who might, as its founder, himself be the candidate for office. They were then enrolled (*conscripti*) and made members *collegii sodalicii*, subsequently subdivided into bands of ten (*decuriati*), each of which was presided over by a *decurio*[136]. The object of this subdivision was that the whole body might be more easily controlled. What was done for a candidate in his own *tribus* could be done for him by his friends in the remaining tribes[137]. Cicero himself speaks of activity among the *sodalicia* as *discriptio populi*, by which he could only mean the organisation of the people outside the candidate's *tribus* through the agency of other clubs.

§ 25. It was against such combinations as these that the *lex Licinia de sodaliciis* was directed, which was passed in B.C. 55, in the consulate (second) of Pompeius Magnus and M. Licinius Crassus Dives. Its object was not so much to pass a severer sentence on corrupt practices in elections—the legal enactments against *ambitus* were sufficient for that purpose—as to prevent the formation of societies, which combined to make gain out of political questions, and, if necessary, to proceed to acts of violence. It applied therefore not only to those who obtained office by the help of clubs but also to persons out of office, if they had organised clubs and used them for the promotion of any political schemes.

So, when M. J. Laterensis accused Gnaeus Plancius under the *lex Licinia de sodaliciis* and yet could only bring forward charges of ordinary *ambitus*, his object in so doing was to put in force every form of severity that the law admitted, among which may be mentioned the rule that even persons absent on the public service were obliged to put in an appearance, just as in *causae de vi*[138], and to procure the infliction of

[136] or. p. Sest. § 34, or. in Pis. § 11, § 23, or. p. dom. § 12, post red. in S. § 33, Liv. XXII 38, 3.

[137] The Schol. Bob. refers to this in his remark: *ut...sibi mutuo eadem suffragationis emptae praesidia communicarent.*

[138] A. W. Zumpt: *Criminalrecht der Röm. Rep.* II 2 p. 402.

the punishment already applicable to cases of *vis:* and also in order that he might bring the defendant before an extraordinary tribunal, the *iudices editicii*—a court employed only in cases of *res tribuaria,* and which could not take cognizance of any other, even of *ambitus.* And when then, in spite of this, Cicero speaks of M. Licinius Crassus as *harum ipsarum legum ambitus auctor* i.e. as the author of these decrees against *ambitus*[139], he cannot mean any kind of *ambitus* but that practised by such *sodales* and *sequestres.*

§ 26. For the *lex Licinia de sodaliciis* expressly forbade, as is shown by the above passages, the association of *sodales,* the formation and organisation of clubs in pursuit of political ends; it forbade canvassing and registering (*conscribere*) men in the several tribes and subdividing those who belonged to the same *tribus* into bodies of ten (*decuriare*), and in like manner marking out the several tribes into districts (*populum discribere*); it forbade the employment of *sequestres* or intermediaries for holding deposit-money, the promising of money (*pronuntiare*), the doling it out (*dividere*) and the sale to others of votes obtained by bribery[140].

According to Cicero not one of these offences could be proved against Plancius. He had, it is true, like all candidates, canvassed the people by tribes (*tributim*)[141], but that was no offence against law. He had, it is true, his friends, but to designate those by the name of *sodales* would be to slander a pure and honourable friendship[142]. He was, it is true, popular and influential, but that was no reason why he should be suspected of electioneering intrigues. If others had worked by means of clubs in the interest of Plancius, it was they, not Plancius, who should be impeached.

g. *On the constitution of the Court*

§ 27. The law provided that for the trial of such cases the court should be composed of *iudices editicii.* There was no

[139] § 49.

[140] or. p. Planc. § 38 *venditorem, corruptorem, sequestrem esse.*

[141] § 24 l. 20.

[142] § 46.

jury (*iudices*) so constituted for other actions: Sulpicius had proposed that there should be for those of *ambitus*, but it had been decided against him in B.C. 63.

At the time of the trial of Plancius in B.C. 54 the arrangement introduced by the *lex Aurelia* of Lucius Aurelius Cotta in B.C. 70 was in force, according to which the juries were to consist of three *decuriae*, taken in equal numbers from the three orders, the senators, the equites and the *tribuni aerarii*[143]. Up to the year B.C. 123 the *iudices*, whether single jurymen or a number of jurymen empanelled to serve either on the standing or special commissions (*quaestiones perpetuae* or *extraordinariae*), were taken exclusively from the Senate. In that year the *lex Sempronia iudiciaria* of Gaius Gracchus was passed which transferred the *iudicia*, i.e. the right of acting as jurors on criminal trials, from the Senate to those possessed of the *census equester*, who thenceforward constituted the *ordo equester*[144]. The *iudicia* remained in their hands for forty-two years, until Sulla in B.C. 81 gave them back to the senate. But the reaction consequent upon the death of the Dictator rendered the continuance of this arrangement impossible, accordingly in B.C. 70 the law of L. Aurelius Cotta, one of the praetors of that year, was passed, which ordained that the *iudices* should be selected from the three orders, each order forming a *decuria*. As the *quaestiones perpetuae* gradually came to embrace all criminal causes, a certain number of iudices were selected by the Praetor Urbanus for the whole and distributed among the different *quaestiones*. The list for the year was termed *album iudicum*, and the jurors were technically designated *iudices selecti*[145]. They amounted in all from about $3 \times 350 = 1050$ to $3 \times 400 = 1200$.

143 Ramsay, *Rom. Ant.* p. 293.

144 Vell. Paterc. II 6, 13, 32, Tac. Ann. XII 60 *cum Semproniis rogationibus equester ordo in possessione iudiciorum locaretur.* The *lex Sempronia* was followed by the *lex Servilia repetundarum* of Gaius Servilius Glaucia, by which its provisions were rendered more stringent.

145 fragm. leg. Serv. 6, 7: or. p. Cluent. § 121, Dio. Cass. XXXIX 7. Cf. Hor. Sat. I 4, 123 *unum ex iudicibus selectis obiciebat,*

§ 28. In the period between the *lex Cornelia* of B.C. 81, when the *iudicia* were confined exclusively to the Senate, and the *lex Aurelia* of B.C. 70 we hear also of *decuriae iudicum*[146]. We do not know for certain upon what principle this arrangement was founded, but it has been conjectured that the whole body of *iudices* was then divided into sections called *decuriae*, possibly ten in number, each having from 35 to 40 members, and that the *decuriae* were called upon to serve in turn or that particular *decuriae* were assigned to particular courts[147]. The list of *iudices* varied from year to year, and each *decuria*, after the exclusion of those who were legally disqualified, was further reduced by lot to 15, which number constituted a *collegium iudicum*. If there were any vacancies to be supplied in the *consilium*, caused by the challenger, they were filled up by a process technically termed *subsortitio*, because the presiding judge drew fresh names from the urn. The same regulations seem to have applied after the passing of the *lex Aurelia* to the other two bodies admitted by it, viz. the *equites* and the *aerarii tribuni*. Each of these orders also was divided into ten *decuriae* of 35—40, the series from 1—10 was determined by lot, and the appointment of the *decuriae* composed of the three estates to try the several lawsuits was made by the *Praetor Urbanus*. Thus about 120 iudices, including those excused from serving, were

Ovid. Am. I 10, 37 *non bene selecti iudicis arca patet*, Trist. II 132 *non mea selecto iudice iussa fugast*, or. p. Cluent. § 121 *praetores urbani, qui iurati debent optimum quemque in selectos iudices referre*. The term *iudices delecti* was applied to those appointed from among the *selecti* to try any particular cause.

146 or. in Verr. II 1 § 158 *eiusmodi subsortitionem homo amentissimus suorum quoque iudicum fore putavit per sodalem suum, Q. Curtium, iudicem quaestionis suae: cui ego nisi vi populi et hominum clamore atque convitio restitissem, ex hac decuria vestra, cuius mihi copiam quam largissimam factam oportebat, quos iste annuerat, in suum consilium sine causa subsortiebatur*, ib. II 2, § 79 *hunc hominem in iudicum numero habebimus? hic alteram decuriam senatoriam iudex obtinebit?*

147 or. p. Cluent. § 103 *uno iudicio multa est ab eo petita, quod non suae decuriae munere neque ex lege sedisset*, i.e. because he had sat as a juror, though that duty did not devolve upon the *decuria* to which he (C. Fidiculanius Falcula) belonged.

nominated as liable to sit upon a particular *quaestio*, and this number was reduced by ballot (*sortitio*) and by *reiectio*, i.e. the challenging of them permitted to each of the contending parties, to an aggregate of 75 at most or 25 out of each estate.

The voting of the iudices was originally open, but after the passing of the bill of L. Cassius Longius Rauilla (*lex Cassia tabellaria*[148]) in B.C. 137 it was conducted in secret by ballot (*per tabellas*), each juror depositing his *tabella* in one of three boxes (*sitella*) according to the estate to which he belonged in pursuance of the *lex Fufia iudiciaria*[149]. It was necessary that at least two-thirds of the *iudices* should be present and vote.

§ 29. Besides these enactments the bill of P. Vatinius (*lex Vatinia de alternis consiliis reiciendis*) was still valid in B.C. 54, by which according to Ernesti and others the accused (*reus*) in a trial could challenge (*reicere*) all the *iudices* and *consilia* once and the prosecutor (*accusator*) could do the same—the previous practice having been that each party, prosecutor and defendant, could only challenge a certain number of the *consilium*, the places of those who were challenged being supplied by the praetor's *subsortitio*. But C. T. Zumpt supposes that this law allowed either party to challenge the *consilia* once and that on this being done a new *consilium* was appointed: but that it did not allow the whole *consilium* to be challenged twice, as Ernesti supposed, first by the accused and then by the prosecutor.

148 Cic. Brut. § 97, § 106, or. p. Sest. § 103, de leg. agr. II § 4 *tabellam vindicem tacitae libertatis*, or. p. Corn. I § 26 *ponam principium iustissimae libertatis, Cassiam, qua lege suffragiorum vis potestasque convaluit*, or. p. Planc. § 16. See further Mayor Plin. Ep. III 20 § 1 l. 4. The *lex Caelia* of B.C. 107 extended the ballot to trials for *perduellio*.

149 Κύϊντος Φούφιος Καλῆνος, ἀναμὶξ πάντων τὰς ψήφους ἐν ταῖς φιλονεικίαις (τά τε κρείττω πρὸς σφᾶς ὡς ἑκάστου τῶν γενῶν ἄγοντος καὶ τὰ ἀτοπώτερα ἐς ἑτέρους ἀπωθοῦντος) οὔσας εὑρὼν ἐνομοθέτησε στρατηγῶν, χωρὶς αὐτοὺς ὡς ἑκάστους ψηφίζεσθαι· ἵν' εἰ μὴ καὶ κατ' ἄνδρα (τῷ κρύφα αὐτοὺς τοῦτο ποιεῖν) ἀλλὰ τά γε ἔθνη (γένη Sturz) αὐτῶν ἔκδηλα ὅπως φρονοίη γένοιτο. Dio Cass. 38, 8.

Again A. W. Zumpt's[150] hypothesis is, that the law (1) abolished the appointment of the three decuries of senators, *equites* and *tribuni aerarii* to form one *consilium*, and empowered the *praetor urbanus*, instead of giving the parties one such *consilium*, to propose to them three *consilia* of jurors, that there were therefore three judicial *collegia*, of whom each party might reject one, so that the third only sat in judgment on the case; (2) that the praetors were chosen yearly by lot, as before; but, as there were causes of minor importance which could not be determined by any standing commission, it had been the custom for the praetor to receive such complaints and then nominate by lot a deputy or assistant judge (*iudex quaestionis*) to try them. Since the passing of the *lex Vatinia* each of the parties to a suit were permitted to challenge the *iudex quaestionis* nominated at the same time as the three *collegia*.

§ 30. The provisions of the *lex Aurelia* concerning the composition of the courts in regard to the three *decuriae* were not interfered with by the *lex Pompeia iudiciaria* which was passed by Pompeius in his second consulship B.C. 55, but the latter law imposed certain property qualifications on the individual jurors, in order to maintain the dignity of the courts of justice and prevent the abuse of the power they possessed for party purposes. It was impossible to make any change in the *decuriae* of senators, since probably the tribes were not all represented in the senate, or, if all, only very unequally; but Gnaeus Pompeius went back to an old ordinance for the choice of jurors for the decuriae of *equites* and *tribuni aerarii* according to tribes (*tributim*), which was enforced by the *lex Sempronia* but afterwards abrogated by Sulla and not revived by L. Aurelius Cotta. It prescribed that out of each of the 35 tribes an equal number (from about 10 to 12) of *equites* and *aerarii tribuni* should be enrolled in the annual list of jurors (*album iudicum*), divided according to their respective tribes. Thus the number from 3½ tribes would be equal to one *decuria* of senators. The 35 or 42 taken from 3½ tribes would be reduced to 25 either

[150] *Criminalrecht der Röm. Rep.* II. 2 p. 279 f.

by the disqualification of some nominees or by the drawing of lots or finally by the challenging of the parties to the suit, so that the proper number fixed by the *lex Aurelia* of $3 \times 25 = 75$ *iudices* out of the three orders was obtained[151].

§ 31. It was the composition of the jury according to the *lex Pompeia* which first made the *lex Licinia* possible. The *senatus-consultum*, on the lines of which the latter law was framed, passed in February B.C. 56[152]. It expressed the necessity for a law to punish the *sodalitates decuriatique*, who would not submit to a voluntary dissolution. Disturbances hindered the law from passing as early as B.C. 56, but in the next year it was brought forward and enacted in the consulate (second) of Cn. Pompeius and M. Licinius Crassus after the latter of whom it was named.

The constitution of the Jury under this *lex Licinia* was peculiar, though there is no evidence that the prosecutor named them[153]. All Cicero says is that the prosecutor named (*edidit*) the four tribes, of whom the accused could reject one and the jury were chosen out of the remaining three. The accuser was expected to name the tribes in which the crime of *sodalicium* was said to have been committed[154]: but Laterensis did not name the tribes he suspected, and in so doing, though he was strictly within the letter of the law, he failed to observe its spirit.

As the prosecutor named the tribe only, and the *iudices* of senatorial rank were not categoried by tribes, it is obvious that the *editio iudicum* applied only to *equites* and *tribuni aerarii*. The tribes named by Laterensis were the *Lemonia*, *Oufentina*,

[151] The list of *iudices* chosen according to the thirty-five tribes are representatives to a certain degree of the whole Roman people. Hence Cicero can say, as he does, or. p. Planc. § 40 *tu deligas ex omni populo*.

[152] ep. ad Quint. fr. II 3, 6: *eodem die senatus consultum factum est, ut sodalitates decuriatique discederent lexque de eis ferretur, ut, qui non discessissent, ea poena, quae est de vi, tenerentur.* See Intr. § 21.

[153] *iudices editicii* was the technical term for the jury of a particular appointment, *iudices editi* were those of the *iudices editicii* who were chosen to sit in a particular case.

[154] or. p. Planc. § 37—§ 47.

Clustumina and *Marcia*, the last, in the expectation that it would be rejected by the accused, which proved to be the case. A *decuria* of senators was joined by as many *equites* and *tribuni aerarii*. This would give, if none were excused or disqualified, from 90 to 108 *iudices editicii*. The number might be reduced to 75, i.e. 25 out of each order, by challenges. Thus P. Vatinius, who was impeached under the *lex Licinia* before Cn. Plancius was, had leave to challenge five jurors. In the case of Cn. Plancius none were allowed to be set aside, perhaps because the minimum number allowed by law had been already obtained.

§ 32. As there were no special praetors or courts for the trial of cases of *sodalicia*, the indictment according to the *lex Licinia* might be laid before any praetor. It is possible that the parties might agree among themselves as to the choice of a president, as was permitted by the *lex Vatinia*. For it is questionable whether otherwise Gaius Alfius Flavus, whom Cicero praises so highly, would have been the *iudex quaestionis* in the trial of Plancius, and that by the choice of Laterensis who was only too ready to seize upon anything that would tell against his opponent. There were two suits about *sodalicia* in B.C. 54, that against Cn. Plancius before C. Alfius Flavus, a personal friend of Cicero's[155], who was president of the *quaestio de maiestate* in this year[156] and had shown himself *gravis et firmus* as a judge in the trial of A. Gabinius, and that against Gaius Messius, who had been tried before another praetor P. Servilius Isauricus[157], whom we know to have been president of a special *quaestio*.

§ 33. The penalty for a breach of the *lex Licinia* was the same as that imposed for acts of violence (*vis*). In the case of Cn. Plancius it was a question of *salus, patria, fortunae*[158], i.e. of perpetual banishment and of a fine proportioned in the *litis*

[155] or. p. Planc. § 43 and § 104.

[156] ep. ad Quint. fr. III 3; *quaeris 'quid fiet de Gabinio?' Sciemus de maiestate triduo:...... consilium varium, quaesitor gravis et firmus Alfius.*

[157] ep. ad Quint. fr. III 4, 6, ep. ad Att. IV 15, 9.

[158] or. p. Planc. § 79.

aestimatio to the amount of the sum expended in bribery. A reward[159] was decreed to the prosecutor, if he proved successful. If it consisted of a money payment, the sum had to bear relation to the *litis aestimatio*. It might, however, consist of *laus* and *existimatio;* promotion in rank was scarcely admissible in this case.

Two other accusations had already been made in the year B.C. 54 of a breach of the *lex Licinia*, one of Gaius Messius[160] in July, another in August of P. Vatinius[161] by the celebrated orator Licinius Calvus[162], before the impeachment of Cn. Plancius which must have taken place at the end of August or beginning of September. We hear of only two other accusations for the same offence subsequently, one of T. Annius Milo by P. Fulvius Neratus[163] in B.C. 53 and another of M. Valerius Messala in B.C. 51[164]. In fact there is no mention made of the law except in the period B.C. 54—51.

Under the emperors it dwindled to a statute for the punishment of those who employed the assistance of hired bands in canvassing for any municipal or priestly office. Offenders, like those guilty of violence, were exiled to a distant island[165].

h. *Result of the trial*

§ 34. It is asserted by the writer of the article on Cn. Plancius in Dr W. Smith's *Dictionary of History and Biography*, who follows Drumann *Geschichte Roms* § 67, that

[159] Ascon. p. 54: *Milo apud Favonium quaestorem de sodaliciis damnatus est accusante P. Fulvio Nerato, cui lege praemium datum est.* Cf. A. W. Zumpt, *Criminalrecht der Röm. Rep.* II 2 p. 402.

[160] ep. ad Att. IV 15, 9.

[161] ep. ad Quint. fr. II 16, 3, ep. ad fam. I 9 § 4 ff. where Cic. gives an elaborate justification of himself for his conduct in defending Vatinius, ep. ad fam. V 9, or. p. Planc. § 40 l. 26 with the note of the Schol. Bob.

[162] Meyer *oratt. Rom. fragm.* p. 319 ed. Duebner, Ellendt *eloq. Rom. hist.* § 51, Weichert *reliq. poet.* p. 89—p. 146.

[163] ep. ad Qu. fr. III 14 (?), Ascon. argum. Milon. p. 40, p. 54 ed. Orelli.

[164] ep. ad fam. VIII 2, 1, ib. 4, 1.

[165] A. W. Zumpt, *Criminalrecht der Röm. Rep.* II 2 p. 373.

Cicero obtained his client's acquittal. But we have no ancient authority for this assertion. There is the evidence indeed of Cicero himself in two letters addressed to him[166] that he was living at Corcyra, in B.C. 46 and it is assumed that he was living there in exile because of Caesar's enmity towards him as a partisan of Cn. Pompeius; but this is mere assumption, as there is nothing to show why Cn. Plancius was living out of Italy, whether in consequence of his conviction or for other reasons.

[166] ep. ad fam. IV 14 and 15: cf. ep. ad fam. VI 20, XVI 9, ep. ad Att. I 12.

CHRONOLOGICAL TABLE OF THE PRINCIPAL EVENTS IN THE LIFE OF CICERO

N.B. The references to the Speech *pro Plancio* are in heavy type.

B.C.	AET. CIC.	
106	1	Coss. *C. Atilius Serranus* (§ **12** l. **30**), *Q. Servilius Caepio.*
		Cicero born at Arpinum, Jan. 3[1]. Birth of Gnaeus Pompeius Magnus, Sept. 30.
105	2	Coss. *P. Rutilius Rufus, Cn. Manlius* (§ **12** l. **33**).
		Severe defeat of the consular Q. Caepio and the consul Manlius by the Cimbri at Arausio in Gaul.
104	3	Coss. *C. Marius II, C. Flavius Fimbria* (§ **12** l. **31**).
		Marius' triumph over Iugurtha.
102	5	Coss. *C. Marius IV, Q. Lutatius Catulus* (§ **12** l. **29**).
		Marius defeats the Teutones and Ambrones at *Aquae Sextiae* (*Aix*). Birth of Q. Cicero.
101	6	Coss. *C. Marius V, M' Aquilius.*
		Defeat of the Cimbri near Verona.
100	7	Coss. *C. Marius VI, L. Valerius Flaccus.*
		L. Appuleius Saturninus[2] tribune of the people, and C. Servilius Glaucia praetor, put to death. Voluntary exile of Q. Metellus Numidicus[3], who refused to swear obedience to the agrarian law of the former.
99	8	Coss. *M. Antonius* (§ **33** l. **16**), *A. Postumius Albinus.*
		Birth of Gaius Iulius Caesar. The optimates obtain a triumph in the Restoration of Q. Metellus Numidicus[4].

[1] de leg. II § 3, ep. ad Att. VII 5 § 3, XIII 42 § 2, de or. II § 1.

[2] or. p. Planc. § 28 l. 6.

[3] or. p. Pl. § 89.

[4] or. p. Pl. § 69 l. 26.

B.C.	AET. CIC.	
97	10	Coss. *Cn. Cornelius Lentulus, P. Licinius Crassus* (§ **32** l. **25**).
96	11	Coss. *C. Cassius Longinus* (§ **52** l. **14**), *Cn. Domitius Ahenobarbus.*
95	12	Coss. *L. Licinius Crassus* (§ **33** l. **15**), *Q. Mucius Scaevola* (§ **33** l. **6**). The *lex Licinia Mucia de civibus regundis* gives occasion remotely to the Social or Marsic war.
94	13	Coss. *C. Caelius Caldus* (§ **52** l. **12**), *L. Domitius Ahenobarbus.*
91	16	Coss. *L. Marcius Philippus* (§ **52** l. **11**, § **33** l. **13**), *Sex. Iulius Caesar.* Cic. assumes the 'toga virilis' and is introduced to Q. Mucius Scaevola the augur[5]; writes a poem entitled 'Pontius Glaucus' and an heroic poem in praise of Marius[6]. Death of L. Crassus the great orator. M. Livius Drusus, tr. pl., excites disturbances by an attempt to revive the laws of the Gracchi: he is killed while endeavouring to carry a law *de civitate sociis danda*[7].
90	17	Coss. *L. Iulius Caesar* (§ **51** l. **6**), *P. Rutilius Rufus* (§ **52** l. **13**). Outbreak of the Social war. Cic. translates the 'phaenomena' and 'prognostica' of Aratus into Latin verse.
89	18	Coss. *Cn. Pompeius Strabo, L. Porcius Cato.* Cic. serves his first and only campaign under the consul Gnaeus Pompeius Strabo[8], father of Pompeius Magnus.
88	19	Coss. *L. Cornelius Sulla. Q. Pompeius Rufus.* Cic. studies philosophy under Phaedrus[9] the Epicurean, and then under the Academician Philo[10]. On the death of Q. Mucius Scaevola the augur, his tutor in civil law, he attaches himself to his cousin Q. Muc. Scaevola, the pontifex maximus[11]. Termination of the Marsic war. Disputes about the command in the Mithridatic war give rise to the civil war between Marius and Sulla. Marius driven from Rome[12].
87	20	Coss. *Cn. Octavius* (§ **51** l. **7**), *L. Cornelius Cinna.* During Sulla's absence in the campaign against Mithridates in Asia, and while he is laying siege to Athens and its harbours, L. Cornelius Cinna the

[5] de am. § 1, Brut. § 306.
[6] de leg. I § 1, de div. I § 106, de orat. III § 2.
[7] or. p. Pl. § 33 l. 13.
[8] Phil. XII § 27.
[9] ep. ad fam. XIII 1 § 2.
[10] Brut. § 306, de nat. deor. 1 § 6.
[11] or. p. Planc. § 33 l. 6, de am. § 1.
[12] or. p. Planc. § 26.

B.C.	AET. CIC.	
		consul is deposed by his colleague Cn. Octavius, who is at the head of the optimate party, but he excites a counter revolution and being joined by Marius returns to Rome. Marian reign of terror. Murder of M. Antonius, Q. Catulus and C. Julius. Cicero studies Rhetoric at Rome under Apollonius Molo of Rhodes *actorem summum causarum et magistrum*[13]. Birth of Catullus.
86	21	Coss. *L. Cornelius Cinna II, C. Marius VII.*
		Death of Marius in his seventh consulship[14]. Cinna sends his successor L. Valerius Flaccus to extort from Sulla the command in the Mithridatic campaign. About this time Cic. composes his books *de rhetorica*, two only of which, viz. those *de inventione* are extant[15]. *Triennium fere fuit urbs sine armis* (Brut. § 108).
		Birth of Sallust.
85	22	Coss. *L. Cornelius Cinna III, Cn. Papirius Carbo.*
84	23	Coss. *Cn. Papirius Carbo II, L. Corn. Cinna IV.*
		Cinna, being about to sail to Asia to oppose Sulla, is put to death by his soldiers at Ancona. Cic. studies dialectics under Diodotus the Stoic and practises public declamation[16] in Greek and Latin.
83	24	Coss. *L. Corn. Scipio Asiaticus, C. Junius Norbanus Bulbus.*
		Sulla lands at Brundisium and defeats the cos. Norbanus at Canusium.
82	25	Coss. *C. Marius C. F., Cn. Papirius Carbo III.*
		Sulla's triumph over the Marian faction and appointment as perpetual dictator[17]. His proscriptions and confiscations. Pompeius becomes his son-in-law.
		Birth of P. Terentius Varro Atacinus.
81	26	Coss. *M. Tullius Decula* (§ **51** l. **7**), *A. Cornelius Dolabella.*
		Leges et iudicia constituta; recuperata respublica (Brut. § 311).
		Sulla's constitutional reforms; the *iudicia* restored to the senate. Triumph of Cn. Pompeius, while yet only an 'eques' (Lucan Phars. VII. init.).
		Cic. delivers his first (?) oration in *causa privata*, that *pro P. Quinctio.*
80	27	Coss. *L. Cornelius Sulla II., Q. Caecilius Metellus Pius* (§ **69** l. **25**).
		Cic. pleads his first *causa publica* or criminal accusation, levelled against the oppression of Sulla, in

[13] or. p. Planc. § 84, de or. III § 9, Tusc. Disp. V § 56.

[14] de nat. deor. III § 81, Brut. § 307, § 316, or. p. Planc. § 51 l. 6, Val. Max. IX 12, 4.

[15] de orat. I § 5.

[16] Brut. § 309.

[17] de leg. agr. III § 5.

B.C.	AET. CIC.	
		defence of Sextus Roscius of Ameria on a charge of parricide[18]. Civil war ended by the surrender of Nola. Sertorius maintains the Marian cause in Spain.
79	28	Coss. *P. Servilius Vatia Isauricus, Appius Claudius Pulcher* (§ **51** l. **30**). Abdication of Sulla. Cic. goes to Athens, where he studies under Antiochus of Ascalon, the academic[19], and Phaedrus and Zeno, the epicureans[20]: and takes lessons in rhetoric from Demetrius Syrus.
78	29	Coss. *M. Aemilius Lepidus, Q. Lutatius Catulus* (filius). Death of Sulla[21]. Lepidus attempts to overthrow his constitution but is successfully opposed by his colleague Q. Lutatius Catulus. Cic. travels through Asia and studies under the leading rhetoricians there. At Rhodes he studies once more under Molo and attends also Posidonius the Stoic[22].
77	30	Coss. *D. Iunius Brutus, Mam. Aemilius Lepidus Livianus.* Cic. returns to Rome and marries Terentia. Defeat of Lepidus. Cn. Pompeius takes the command in Spain with Metellus against Sertorius.
76	31	Coss. *Cn. Octavius, C. Scribonius Curio.* Cic. elected to the quaestorship *anno suo*[23]; amongst other causes pleads for Q. Roscius Comoedus.
75	32	Coss. *C. Octavius, C. Aurelius Cotta*[23]. Cic. administers the quaestorship of the province of Lilybaeum in Sicily[24] under the pro-praetor Sex. Peducaeus. Bithynia, bequeathed to the Romans by King Mithridates, is constituted a province. Cilicia annexed by force of arms.
74	33	Coss. *L. Licinius Lucullus, M. Aurelius Cotta.* Cic. returns to Rome from his quaestorship at Lilybaeum[25]. Invasion of Asia by Mithridates. Lucullus appointed to the command of the war against him.
73	34	Coss. *M. Terentius Varro Lucullus, C. Cassius Varus.* Outbreak of the Servile war in Italy under Spartacus. Mithridates, having lost nearly all his army, flies to the sea. Cic. actively engaged in the forum.

18 Brut. § 312, de off. II § 51.
19 Brut. § 315, Plut. Cic. 4.
20 de fin. I § 16.
21 de fin. III § 75, de legg. II § 56.
22 Brut. § 315, § 316.
23 Brut. § 318.
24 or. in Verr. II 5, § 35, Tusc. V § 65.
25 or. p. Planc. § 64 sqq.

B.C.	AET. CIC.	
72	35	Coss. *L. Gellius Poplicola, Cn. Corn. Lentulus Clodianus.* Defeat of both consuls by Spartacus. Sertorius murdered by his mutinous soldiers. Perperna overcome by Pompeius.
71	36	Coss. *Cn. Aufidius Orestes* (§ **52** l. **14**), *P. Cornelius Lentulus Sura.* Defeat of Spartacus, and conclusion of the war in Spain[26]. M. Antonius defeated by the Cretans and slain. Speech *pro M. Tullio.*
70	37	Coss. *Cn. Pompeius Magnus* (§ **85** l. **30**, § **93** l. **7**), *M. Licinius Crassus* (§ **49** l. **30**). Flight of Mithridates to Tigranes his son-in-law. Cicero curule aedile designate[27]. Impeachment of Verres by Cic., as patron of the Sicilians, for extortion and malversation in his province: by the *divinatio in Q. Caecilium* he sets aside the claims of Q. Caecilius to be accuser, and on Aug. 7th opens the case with his *actio prima in C. Verrem*[27]. The accused, being deserted by his *patronus* Hortensius, withdrew into voluntary exile. The *lex iudiciaria* of L. Aurelius Cotta is passed, admitting the *equites* and *tribuni aerarii* to an equal share in the *iudicia publica*, which had since the *lex Cornelia* of Sulla (B.C. 81) been exclusively in the hands of the senate. The *tribunicia potestas* restored, the importance of which had been diminished by Sulla. Birth of Vergil.
69	38	Coss. *Q. Hortensius* (§ **37** l. **24**), *Q. Caecilius Metellus Creticus* (§ **27** l. **27**). Cic. as aedile exhibits three sets of games[28] in a style of moderate display. He delivers the speeches *pro M. Fonteio*, charged with misgovernment in Gaul, and *pro A. Caecina in causa civili.* Lucullus besieges Tigranocerta, the capital of Tigranes, and defeats that monarch. Dedication of the temple of *Juppiter Capitolinus* after its rebuilding by Q. Catulus.
68	39	Coss. *L. Caecilius Metellus, Q. Marcius Rex.* Cic. now aspires to political pre-eminence: his extant correspondence commences with this year. Crete subdued by the proconsul Q. Metellus. Mithridates reconquers lesser Armenia.

[26] or. p. leg. Man. § 30, or. p. Sest. § 67, Lucan Phars. lib. VII 14 sqq.
[27] Brut. § 319, Orat. § 103, § 210.
[28] or. in Pis. § 2, ac. in Verr. V § 36, or. p. Mur. § 40, de off. II § 59.

B.C.	AET. CIC.	
67	40	Coss. *C. Calpurnius Piso, M'Acilius Glabrio.*
		Cic. elected praetor[29]. He betroths his daughter to C. Piso Frugi.
		Cn. Pompeius receives the command in the war against the pirates by the 'lex Gabinia'[30]. Law of the tribune C. Cornelius, which was the foundation of the *edicta perpetua.*
		The *lex Calpurnia de ambitu* passed[31].
		Mithridates resumes possession of his kingdom.
66	41	Coss. *M' Aemilius Lepidus, L. Volcatius Tullus* (§ **51** l. **1**).
		Cic. enters on his praetorship. Speech *de imperio Cn. Pompeii* in favour of the law of the tribune C. Manilius for transferring the command of the war against Mithridates from Lucullus to Cn. Pompeius. Speeches also *pro A. Cluentio* accused of poisoning his step-father, and *pro C. Fundanio.*
65	42	Coss. *L. Aurelius Cotta, L. Manlius Torquatus.*
		Speech *pro C. Cornelio Gallo*[32], accused of treason.
		Birth of Horace.
		Pompeius pursues Mithridates, who retires to his kingdom on the Bosphorus, and constitutes Pontus a province. Submission of Tigranes and recovery of his province.
		Cic. begins his *prensatio;* requests to be sent by the senate to Gaul on a *legatio libera,* wishing to gain the votes of the Cispadane Gaul for the consular election next year.
64	43	Coss. *L. Julius Caesar, C. Marcius Figulus.*
		Cic. appears as a formal candidate for the Consulship with six competitors, among whom is L. Sergius Catilina[33]. He is the only candidate of the equestrian order.
		Cic. delivers his speech *in toga candida* against the coalition (*coitio*) of the patrician Catiline and Gaius Antonius. Birth of his son Marcus[34] and marriage of his daughter in her 13th year. Death of his father.
		Pompeius constitutes Syria a Roman province.
63	44	Coss. *M. Tullius Cicero, C. Antonius.*
		Cicero elected consul *anno suo* with Gaius Antonius Hybrida[35]. He delivers his three orations *de lege agraria* against the tribune *P. Servilius Rullus,* one in the senate and two before the people; those *pro L.*

[29] or. p. leg. Man. § 2, Brut. § 321, or. in Pis. § 1, Plut. Cic. 9.
[30] or. p. leg. Man. cc. 11, 12.
[31] Ascon. in Corn. p. 68, cf. Dio Cass. 36, 21, Sall. Cat. c. 18.
[32] orat. § 103, § 225, § 232, Quintil. inst. or. IV 3, 13; VIII 3, 3.
[33] or. p. Mur. § 17.
[34] ep. ad Att. I 2.
[35] or. de leg. agr. II § 3, or. in Pis. § 2, Brut. § 323.

B.C.	AET. CIC.	
		Roscio Othone, and *C. Rabirio Postumo* accused of the murder of Saturninus; that *de proscriptorum filiis*[36] in defence of Sulla's law, by which the sons of the victims of his proscription were excluded from public offices: that *cum provinciam deponeret;* the four speeches against *Catiline;* and that in defence of *Murena*, consul elect for the year B.C. 62, accused of *ambitus*[37]. Conspiracy of Catiline, who made another attempt to gain the consulship for the following year. Birth of C. Octavius, afterwards Augustus. Pompeius seizes the temple at Jerusalem, reduces Pontus to the form of a province.
62	45	Coss. *D. Junius Silanus, L. Licinius Murena.* C. Caesar praetor. Fall of Catilina. Cic. hailed 'pater patriae'; forbidden by the newly-elected tribune, Q. Caecilius Metellus Nepos, to speak because he had condemned Roman citizens to death without a trial. Cic. exclaimed that in his consulate he had preserved the commonwealth from ruin[38]. Pompeius returns to Rome. Cic. buys Crassus' house on the Palatine[39]. Violation of the mysteries of the *Bona Dea* at the house of Caesar by the quaestor P. Clodius[40]. Speech in defence of *P. Cornelius Sulla,* accused of participation in Catilina's conspiracy, and the poet *Archias*, the latter before his brother Quintus, who was one of the praetors.
61	46	Coss. *M. Pupius Piso Calpurnianus* (§ **12** l. **28**), *M. Valerius Messalla Niger.* The third and great triumph of Cn. Pompeius[41]. Trial of Clodius[42]. Quintus Cicero propraetor of Asia[43], and C. Caesar of further Spain[44]. The breach between the Senate and Equites, on whose *entente cordiale* Cicero laid so much stress, widened by the refusal of the senate to rescind the agreement for the lease of the taxes of the province Asia made unwarily with the censors by a company of *publicani*[45].
60	47	Coss. *L. Afranius, Q. Caecilius Metellus Celer.* P. Clodius, in order to qualify for the tribunate, seeks adoption into a plebeian house. Cic. writes the history of his consulship both in Greek and Latin;

36 ep. ad Att. II 1 § 3.
37 or. in Pis. cc. 1—3.
38 ep. ad fam. v 2 § 7.
39 ep. ad fam. v 6 § 2, ep. ad Att. I 13 § 6.
40 ep. ad Att. I 12 § 3, 13 § 3.
41 Plut. vit. Pomp. c. 45; Plin. N. H. 37, 2; 7, 26, Appian Mithrid. 116, 117.
42 ep. ad Att. I 16 § 5.
43 ep. ad Att. I 15.
44 Suet. vit. Caes. c. 18.
45 ep. ad Att. I 17 § 9, or. p. Planc. § 35.

B.C.	AET. CIC.	
		and later composes a poem on the same in Latin hexameters[46]; publishes his twelve consular speeches and addresses a long letter to his brother on the duties of a provincial governor[47].
		The coalition of Caesar, Pompeius and Crassus, commonly known as the first triumvirate, by which alliance Cn. Pompeius procures the confirmation of his acts in Asia[48].
59	48	Coss. *C. Julius Caesar, M. Calpurnius Bibulus.*
		C. Caesar's first consulate with Bibulus as colleague. Cicero, being oppressed with uneasy forebodings of Clodius' intentions and dissatisfied with the position of public affairs, leaves Rome and moves from one villa to another for five months, to divert his mind. Trial of Gaius Antonius, the governor of Macedonia, accused of *repetundae*[49], and his defence by Cicero.
		Caesar's land bill carried, in which was a clause by which all the senators were required to swear that they would maintain the law, and heavy penalties were enacted against those who should refuse to take the oath[50], also all candidates for offices were compelled to swear that they would never say anything about the land being held on any other terms than those fixed by the Iulian law; M. Iuventius Laterensis, a candidate for the tribuneship, chooses to retire from the contest rather than take the oath[51]. Caesar gives his only daughter Iulia in marriage to Cn. Pompeius[52] and himself takes to wife the daughter of L. Calpurnius Piso: he invites Cicero to be his *legatus* for the next year[53]: gains the favour of the Equites by procuring for the *publicani* at last a remission of part of their contract[54]. The acts of Cn. Pompeius are confirmed by the popular assembly. Caesar receives from the people extraordinary proconsular powers in Gallia Cisalpina and Transalpina and Illyricum for five years. Cic. defends the late praetor *A. Minucius Thermus*, and the praetor *L. Valerius Flaccus*, accused of malversation in Asia. P. Clodius' adoption effected by Caesar in defiance of the *lex Sempronia:* he is elected to the tribu-

46 ep. ad Att. I 19 § 10, Plutarch Caes. c. 8.

47 ep. ad Qu. fr. I 1.

48 cf. Hor. Od. II 1 *Motum ex* Metello *consule civicum*, Appian B.C. c. 9.

49 Long, *Decline of the R. R.* III p. 411.

50 Plutarch Cat. c. 32.

51 or. p. Planc. § 52, Cic. ep. ad Att. II 18.

52 Appian B.C. II c. 14.

53 ep. ad Att. II 18.

54 or. p. Planc. § 35.

B.C.	AET. CIC.	
		nate of the Commons in July and enters on the office in December.
58	49	Coss. *L. Calpurnius Piso Caesoninus* (§ **86**, l. **11**), *A. Gabinius* (§ **86** l. **11**, § **87** l. **25**).
		The bill of Clodius directed against those who had put a Roman citizen to death without a direct vote of the people[55]. Cic. humiliates himself. Caesar is still before the gates of Rome when Cic. leaves the city. The bill of pains and penalties against Cicero is enacted after he had left Rome. From Rome he goes to Vibo, Tarentum and the suburbs of Brundisium: thence he sails to Dyrrhachium and from Dyrrhachium goes to Thessalonica, where he meets with a philosophic comforter in Cn. Plancius[56], through whose kindness he is enabled to live in security from May to November. Meantime at Rome his splendid house on the Palatine is demolished, and part of the ground on which it stood is dedicated and a temple built thereon to Liberty, and his country-houses at Formiae and Tusculum are destroyed[57]. Cicero's brother returns to Rome from his government of Asia. Pompeius comes no more into public during the tribunate of Clodius: he does what he can to restore Cic. from exile.
		Towards the end of Nov. Cic. goes to Dyrrhachium[58], so that he might be nearer Italy and to avoid meeting Piso, the new Governor of Macedonia.
57	50	Coss. *P. Cornelius Lentulus Spinther, Q. Caecilius Metellus Nepos.*
		On Jan. 1 the cons. Lentulus proposes Cicero's restoration. Great fight in the forum in which P. Sestius the tribune is nearly killed.
		Cic. leaves Dyrrhachium on the 4th of August, the day on which the bill for his recall had passed the *Comitia centuriata*, arriving at Brundisium the next day[59]. There he was met by his daughter Tullia. On the 8th, hearing of the success of the bill for his restoration, he set out at once for Rome, where he arrived on September the 4th. He delivers the orations *post reditum in Senatu, post reditum ad Quirites*[60], and *pro domo apud pontifices.*

55 or. p. Sest. c. 16—c. 22, or. p. Planc. c. 35—c. 37, or. in Pison. c. 9.
56 or. p. Planc. c. 41.
57 or. p. Sest. c. 24, or. in Pis. c. 11.
58 ep. ad Att. III 22.
59 or. p. Sest. c. 31—c. 41; c. 54—c. 58; c. 60—c. 63; or in Pis. c. 15 § 34, 59.
60 ep. ad Att. IV 1 § 5, or. p. Sest. c. 61, or. in Pis. § 51—§ 52.

B.C.	AET. CIC.	
		Public money voted for rebuilding his house and villas[61].
56	51	Coss. *Cn. Corn. Lentulus Marcellinus, L. Marcius Philippus.*
		Cic. delivers his speech in defence of the late tribune P. Sestius on a charge of breach of the peace: his speech against P. Vatinius (*in P. Vatinium testem interrogatio*), who gave evidence against Sestius, forms an interlude in the process.
		Before this, he defended *L. Calpurnius Bestia*, accused of bribery in his suit for the Praetorship: he spoke also for *L. Cornelius Balbus, M. Caelius*, and delivered the important speech *de provinciis consularibus*, in which he urges the recall of *Gabinius* and *Piso* from their respective governments of Syria and Macedonia, which provinces had been assigned them in virtue of an edict of Clodius[62].
		His daughter Tullia is married to her second husband Furius Crassipes, one of Caesar's adherents.
55	52	Coss. *Cn. Pompeius Magnus II, M. Licinius Crassus II* (§ **49** l. **30**).
		Disturbances at the election of the curule aediles.
		Bill of the tribune Trebonius, giving Crassus the province of Syria, and Pompeius Spain and Africa, both for five years, carried by force; also another bill, extending Caesar's proconsular authority in Gaul for another term of five years. Speech against *Piso*, Caesar's father-in-law, and that *pro Cispio*[63]. The *lex Licinia de sodaliciis*. Cic. writes the three books *de oratore*. Caesar's first invasion of Britannia.
54	53	Coss. *L. Domitius Ahenobarbus, Appius Claudius Pulcher.*
		Speech in defence of *P. Vatinius*[64] at Caesar's solicitation and of *A. Gabinius* at Pompey's request; also of *C. Rabirius Postumus*, a loan contractor; of *Messius* a legate of Caesar's, and *Drusus;* of *Aemilius Scaurus* on a charge of *repetundae*, and *Cn. Plancius*. He is employed also upon his poem in three books on his own times and upon his treatise *de republica*.
		Death of Julia wife of Pompeius and Caesar's daughter. The second invasion of Britannia. Defeat of Crassus by the Parthians near Carrhae.

[61] or in Pis. § 52, ep. ad Att. IV 2 § 5 sq., Dio Cass. XXXIX 11.
[62] or. p. Planc. § 86.
[63] or. p. Planc. c. 31.
[64] ep. ad fam. I 9 § 19.

B.C.	AET. CIC.	
53	54	Coss. *Cn. Domitius Calvinus, M. Valerius Messalla,* elected in April after an interregnum. Cic. elected augur on the death of Crassus[65].
52	55	Coss. *Cn. Pompeius Magnus III sine collega for the first seven months, afterwards with Q. Metellus Scipio.* Pompeius sole consul for the first seven months. Cic. defends Milo on the charge of killing P. Clodius, and afterwards revises his speech, which is the extant *oratio pro Milone.* He defends successfully *M. Saufeius*, one of Milo's friends: and prosecutes *T. Munatius Plancus Bursa.* He writes the three books *de legibus.* Pompeius marries Cornelia, daughter of Q. Metellus Scipio. Revolt of Gallia.
51	56	Coss. *Ser. Sulpicius Rufus, M. Claudius Marcellus.* To a decree of the Senate which was passed the year before, that no newly-elected Consul or Praetor should be sent to the government of a province within five years after he had been in office, a clause was annexed, providing that such provinces should in the meanwhile be administered by such consulars and former praetors, as had not been governors before. Cic., being of this number, was sent as proconsul to Cilicia, to succeed to Clodius' brother Appius Claudius Pulcher. He reaches Laodicea on July 31st[66]. Death of Hortensius.
50	57	Coss. *L. Aemilius Paullus, C. Claudius C. F. Marcellus.* Cicero quits his province on July 30th. A *supplicatio* is decreed in honour of him for his conduct in his province. He comes as far as Brundisium on his return to Rome. Marriage of his daughter Tullia to her third husband P. Cornelius Dolabella. The senate deliberates on Caesar's recall.
49	58	Coss. *C. Claudius M. F. Marcellus, L. Cornelius Lentulus Crus.* Decree of the senate that Caesar shall disband his troops and enter the city as a private man. The tribunes M. Antonius and Q. Cassius, their intervention being disregarded, fly from Rome to Caesar who was at Ravenna. Caesar crosses the boundary of his province Gallia Cisalpina. He attempts to gain the support of Cicero, who despairing of peace retires from Rome into Campania and thence

[65] or. Phil. II § 4, Brut. § 1, ep. ad fam. XV 4 § 13.

[66] ep. ad Att. V 15, 1.

B.C.	AET. CIC.	
		to Greece. Flight of Pompeius from Brundisium to Dyrrhachium. Caesar in Rome, whence he sets out to Spain, and defeats the Pompeian *legati* Afranius and Petreius: returns to Rome and presides as Dictator at the consular elections and is himself elected consul for next year; abdicates the Dictatorship after eleven days and goes to Brundisium.
48	59	Coss. *C. Julius Caesar II., P. Servilius Vatia Isauricus.*
		Caesar, now consul for the second time, crosses into Epirus and ultimately defeats Pompeius at Pharsalia in Thessaly. Pompeius assassinated on landing in Egypt. Caesar commences the Alexandrine War. Cic. returns to Brundisium.
47	60	*C. Iulius Caesar II* Dictator, *M. Antonius* Magister Equitum.
		Cic. remains at Brundisium till September, when he becomes reconciled to Caesar, and goes to Tusculum and ultimately to Rome. Caesar, as dictator, finishes the Alexandrine War; and having returned to Italy in September, crosses again to Africa, to fight against the Pompeian party, Scipio and Cato, and Juba king of Mauretania.
46	61	Coss. *C. Iulius Caesar III, M. Aemilius Lepidus.*
		Caesar's final defeat of the Pompeians at Thapsus on the 6th of April. Suicide of M. Cato at Utica. On his return to Rome Caesar celebrates his four triumphs on four different days: busies himself with reforming abuses and correcting the Calendar; at the close of the year goes to Spain, to fight against Pompey's sons. Cic. writes his *Brutus* and *laus Catonis;* and the *Orator* to M. Brutus, who was then governor of Cisalpine Gaul. He speaks in defence of *Q. Ligarius* before Caesar.
		Cic. divorces his wife Terentia.
45	62	Coss. *C. Iulius Caesar III* Dictator, *M. Aemilius Lepidus* Mag. Equitum. *Caesar simul* IV Consul *sine collega.*
		Defeat of Pompey's sons at Munda on March 17th. The Dictatorship for life with the title of *Imperator* decreed to Caesar. He celebrates his fifth triumph. Marriage of Cicero to Publilia and their divorce. Death of his daughter Tullia after giving birth to a son. Cic. in his dejection retires to the island of Astura where he consoles himself with intellectual occupations. He composes the *consolatio*[67],

[67] ep. ad Att. XII 14, 15, Tusc. IV § 63.

B.C.	AET. CIC.	
		and completes the *de finibus bonorum et malorum*, and also the *Academicae quaestiones*, and probably the *Hortensius*. In April he sends his son to study at Athens.. In October he returns to Rome. Caesar abdicates the consulship and Q. Fabius Maximus and C. Trebonius are elected consuls.
44	63	Coss. *C. Iulius Caesar V* (id. dictator IV), *M. Antonius*.
		Cic. finishes the *Tusculanae disputationes*. Murder of Caesar on the Ides of March. Two days after, Cic. delivers a speech to the Senate in the temple of Tellus, urging peace.
		M. Antonius getting the upper hand, Cic. retires from Rome and betakes himself to his country houses, where he writes the *de natura deorum*, the essays *de divinatione*, *de fato*, *de amicitia*, *de senectute*, *de gloria*, and commences the *de officiis*. He then projects a journey to Greece but returns after getting as far as Sicily, and reaches Rome Aug. 31. On Sept. 2 he delivers the *first Philippic*, and soon after writes the *second*, and on Dec. 18, when Antony had left Rome because of the defection of the fourth and Martian legions, delivers the *third* and *fourth Philippics*.
43	64	Coss. *C. Vibius Pansa*, *A. Hirtius*.
		Cic. delivers the remaining *Philippic* orations (V—XIV). Coalition between Lepidus and M. Antonius after the battle at Mutina and their return to Rome upon the invitation of Octavianus, who had been elected consul with Q. Pedius. Formation of the second triumvirate, followed by the proscription of their several enemies. Cic. is murdered by order of Antonius on the seventh of December in the grounds of his Formian Villa.

LIST OF EXTANT ORATIONS

The following are the titles and subjects of the extant speeches of Cicero:—

1. B.C. 81. Pro P. QUINCTIO: defence of Quinctius in a prosecution by Naevius for debt, to recover the profits of a partnership in some land in Gaul, inherited from his brother Gaius Quinctius.

2. B.C. 80. Pro SEXTO ROSCIO AMERINO: his first *causa publica* or criminal case, being a successful defence of Roscius against a charge of parricide brought by C. Erucius as professional prosecutor at the instigation of Chrysogonus, Sulla's freedman and favourite.

3. B.C. 80. Pro Q. ROSCIO COMOEDO: defence of the actor Roscius from the claim of C. Fannius Chaerea to half the profits of certain lands taken as the value of a slave held by them in partnership and killed by C. Flavius.

4. B.C. 75. Pro M. TULLIO: plea for damages, delivered before *reciperatores*, for an assault made by a neighbour of Tullius, a veteran soldier of Sulla's, P. Fabius, on his country-house in the territory of Thurii.

5. B.C. 70. In Q. CAECILIUM Divinatio: plea on the technical right of Cicero to conduct the prosecution against Verres for maladministration in Sicily.

6—11. B.C. 70. In C. VERREM: impeachment of Verres for peculation and oppression in Sicily. Six orations.—1. The general charge (*actio prima*) containing the heads of the prosecution; 2. *de praetura urbana:* earlier political crimes of Verres; 3. *de iurisdictione Siciliensi:* his administration in Sicily; 4. *de frumento:* his peculation and fraud as to the supplies of grain; 5. *de signis:* his plunder of works of art; 6. *de suppliciis:* cruelties of his government.

12. B.C. 70. Pro M. FONTEIO: defence of Fonteius' administration of Gaul during Pompey's campaign against Sertorius, about B.C. 75.

13. B. C. 70. Pro A. CAECINA: defence, delivered before *reciperatores*, against Aebutius, of Caecina's right to an estate received by inheritance from his wife Caesennia, widow of a rich money-lender, M. Fulcinius.

14. B. C. 66. Pro LEGE MANILIA, or de imperio CN. POMPEII: defence of the proposal of the tribune Manilius to give Pompey the command of the war against Mithridates, delivered when Cicero was praetor.

15. B. C. 66. Pro A. CLUENTIO HABITO: defence of Cluentius against the charge of poisoning his step-father Oppianicus, brought by Oppianicus the younger, at the instigation of Sassia, mother of Cluentius.

16—18. B. C. 63. De LEGE AGRARIA: three speeches, the earliest of Cicero's consular speeches; the first delivered in the Senate, the others before the people, impugning the proposal of the popular tribune, P. Servilius Rullus, to appoint a committee of ten with the most extensive privileges concerning the purchase and distribution of land in Italy.

19. B. C. 63. Pro C. RABIRIO: defence of Rabirius on the charge of killing Saturninus.

20—23. B. C. 63. In L. CATILINAM: on the conspiracy of Catiline. Four speeches: the first delivered in the Senate on November 7, charging Catiline with his latest proceedings; the second before the people Nov. 8, informing them of the events in the Senate and of Catiline's departure from Rome; the third, on the evening of Dec. 3, acquainting the people with the imprisonment of the Catilinarians left at Rome, and the evidence of the letters found on the Allobroges; the fourth, delivered in the Senate on Dec. 5, recommending the immediate execution of the prisoners.

24. B. C. 63. Pro L. MURENA: defence of the consul designate Murena on a charge of bribery, brought under the *lex Tullia de ambitu* by Sulpicius, the defeated candidate for the consulship (following prior defences made by Hortensius and Crassus).

25. B. C. 62. Pro P. CORNELIO SULLA: a successful defence of Sulla against an action of participating in the conspiracy of Catiline.

26. B. C. 61. Pro A. LICINIO ARCHIA: defence of the claim of the poet Archias to Roman citizenship.

27. B. C. 59. Pro L. VALERIO FLACCO: a successful defence of Flaccus against an *actio repetundarum*, or charge of maladministration as propraetor in Asia.

28—31. B. C. 57. POST REDITUM: four speeches, viz.:—

(28) ORATIO CUM SENATUI GRATIAS EGIT,

(29) ORATIO CUM POPULO GRATIAS EGIT,

(30) DE DOMO SUA AD PONTIFICES, to prove the invalidity of the consecration of the site of his house by Clodius and the possibility of its restitution;

(31) DE HARUSPICUM RESPONSIS, on the declarations of the haruspices, which Cicero explains as referring to the impieties of Clodius.

32. B.C. 56. Pro P. SESTIO: a successful defence against a suit *de vi*, the attack having been made on Sestius by the dependents of Clodius.

33. B.C. 56. In P. VATINIUM interrogatio: a personal attack on Vatinius connected with the suit against Sestius, in which Vatinius had been a witness for the prosecution.

34. B.C. 56. Pro M. CAELIO: defence of the character of Caelius against a vindictive charge of stealing and poisoning, brought by Atratinus at the instigation of the infamous Clodia.

35. B.C. 56. De PROVINCIIS CONSULARIBUS, advocating the prolongation of Caesar's government of Gaul and the recall of Piso and Gabinius.

36. B.C. 56. Pro L. CORNELIO BALBO: defence of Balbus, a citizen of Gades and friend of Pompey's, against the charge of unduly arrogating the rights of Roman citizenship.

37. B.C. 55. In L. CALPURNIUM PISONEM: retaliation for an attack made by Piso after his return from the proconsulate of Macedonia.

38. B.C. 55. Pro CN. PLANCIO.

39. B.C. 54. Pro C. RABIRIO POSTUMO: defence of Rabirius against a charge of recovering money alleged to have been extorted from Ptolemy, king of Egypt, in partnership with Gabinius.

40. B.C. 52. Pro T. ANNIO MILONE: on the death of Clodius, which is represented as an act of self-defence on the part of Milo: a revision of the speech actually delivered.

41. B.C. 46. Pro M. MARCELLO: addressed to Caesar before the senate for the purpose of obtaining the return of a former opponent.

42. B.C. 46. Pro Q. LIGARIO: a public intercession with Caesar in favour of an exiled partisan of Pompey's.

43. B.C. 45. Pro REGE DEIOTARO: defence of the King of Galatia against the charge of attempting to murder Caesar.

44—57. B.C. 45—43. The fourteen PHILIPPICAE or ANTONIANAE:—

1. Reply to an invective of M. Antonius.

2. Reply to a still more bitter invective, containing a review of Antonius' public and private life.

3. A recommendation to the Senate to praise Decimus Brutus and Octavianus for resisting Antonius, now in Gallia citerior, and to annul the recent changes made by him in the disposition of provinces.

4. Exposition to the people of the acts of the senate, showing that they regarded Antonius as a traitor.

5. Protest against the proposal made by Q. Fufius Calenus of negotiations with Antonius: he should be declared a public enemy.

6. Appeal to the people: the embassy to Antonius would be in vain: war with him is inevitable.

7. Protest in the senate against those who clamoured for peace.

8. Protest against any half measures: the war against Antonius is *iustum bellum;* his partisans should be required to submit before the ides of March.

9. Special honours ought to be paid to the memory of the illustrious jurist, Servius Sulpicius, who had died on the embassy to Antonius.

10. Panegyric on M. Brutus and recommendation that he should be confirmed in the government of Macedonia.

11. An unsuccessful pleading in favour of the punishment of Dolabella (who had executed Trebonius, one of the assassins of Caesar) being committed to C. Cassius, himself one of the assassins.

12. Attempt to prevent the second embassy to M. Antonius, and to free himself from all share in it.

13. Defence of his warlike policy against M. Lepidus and Munatius Plancius, who advocated peace.

14. Proposal of the celebration of a great thanksgiving and honour to the victorious generals on account of the victory gained over M. Antonius near Forum Gallorum.

Besides these speeches we have fragments of about 20 more, by far the most important of which are those of the two *Cornelianae*, of the *oratio in toga candida*, and of the speech *pro M. Aemilio Scauro;* and we know of 33 others having been delivered by Cicero.

M. TVLLI CICERONIS

PRO

CN. PLANCIO

ORATIO

I Cum propter egregiam et singularem Cn. Pla iudices, in mea salute custodienda fidem tam multo bonos viros eius honori viderem esse fautores, capie animo non mediocrem voluptatem, quod, cuius offic mihi saluti fuisset, ei meorum temporum memoriam fragari videbam: cum autem audirem meos partim inim partim invidos huic accusationi esse fautores eandem rem adversariam esse in iudicio Cn. Plancio, quae in titione fuisset adiutrix, dolebam, iudices, et acerbe fereb si huius salus ob eam ipsam causam esset infestior, q is meam salutem atque vitam sua benevolentia, praes custodiaque texisset. nunc autem vester, iudices, spectus et consessus iste reficit et recreat mentem me cum intueor et contemplor unum quemque vestrum: v enim hoc in numero neminem cui mea salus non fuerit, cuius non exstet in me summum meritum, cui sim obstrictus memoria beneficii sempiterna. itaque extimesco ne Cn. Plancio custodia meae salutis apud obsit, qui me ipsi maxime salvum [videre] voluerunt, piusque, iudices, mihi venit in mentem admirandum M. Laterensem, hominem studiosissimum et dignitatis

salutis meae, reum sibi hunc potissimum delegisse, quam metuendum ne vobis id ille magna ratione fecisse videatur.
3 quamquam mihi non sumo tantum neque adrogo, iudices, ut Cn. Plancium suis erga me meritis impunitatem consecutum putem. nisi eius integerrimam vitam, modestissimos mores, summam fidem, continentiam, pietatem, innocentiam ostendero, nihil de poena recusabo : sin omnia praestitero, quae sunt a bonis viris exspectanda, petam, iudices, a vobis, ut, cuius misericordia salus mea custodita sit, ei vos vestram misericordiam me deprecante tribuatis. equidem ad reliquos labores, quos in hac causa maiores suscipio quam in ceteris, etiam hanc molestiam adsumo, quod mihi non solum pro Cn. Plancio dicendum est, cuius ego salutem non secus ac meam tueri debeo, sed etiam pro me ipso, de quo accusatores plura paene quam de re
4 reoque dixerunt. II quamquam, iudices, si quid est in me ipso ita reprehensum, ut id ab hoc seiunctum sit, non me id magno opere conturbat; non enim timeo ne, quia perraro grati homines reperiantur, idcirco, cum me nimium gratum illi esse dicant, id mihi criminosum esse possit. quae vero ita sunt agitata ab illis, ut aut merita Cn. Planci erga me minora esse dicerent quam a me ipso praedicarentur, aut, si essent summa, negarent ea tamen ita magni, ut ego putarem, ponderis apud vos esse debere, haec mihi sunt tractanda, iudices, et modice, ne quid ipse offendam, et tum denique, cum respondero criminibus, ne non tam innocentia reus sua quam recordatione meorum temporum defensus esse videatur.

5 Sed mihi in causa facili atque explicata perdifficilis, iudices, et lubrica defensionis ratio proponitur. nam si tantum modo mihi necesse esset contra Laterensem dicere, tamen id ipsum esset in tanto usu nostro tantaque amicitia molestum. vetus est enim lex illa iustae veraeque ami-

citiae, quae mihi cum illo iam diu est, ut idem amici semper velint; neque est ullum amicitiae certius vinculum quam consensus et societas consiliorum et voluntatum. mihi autem non id est in hac re molestissimum, contra illum dicere, sed multo illud magis, quod in ea causa contra dicendum est, in qua quaedam hominum ipsorum videtur facienda esse contentio. quaerit enim Laterensis atque 6
hoc uno maxime urget, qua se virtute, qua laude Plancius, qua dignitate superarit. ita, si cedo illius ornamentis, quae multa et magna sunt, non solum huius dignitatis iactura facienda est, sed etiam largitionis recipienda suspicio est: sin hunc illi antepono, contumeliosa habenda est oratio et dicendum est id, quod ille me flagitat, Laterensem a Plancio dignitate esse superatum. ita aut amicissimi hominis existimatio offendenda est, si illam accusationis condicionem sequar, aut optime de me meriti salus deserenda. III
sed ego, Laterensis, caecum me et praecipitem ferri confitear in causa, si te aut a Plancio aut ab ullo dignitate potuisse superari dixero. itaque discedam ab ea contentione, ad quam tu me vocas, et veniam ad illam, ad quam me causa ipsa deducit. quid, tu magistratuum dignitatis iudicem 7
putas esse populum? fortasse nonnumquam est. utinam vero semper esset! sed est perraro, et si quando est, in eis magistratibus est mandandis, quibus salutem suam committi putat: his levioribus comitiis diligentia et gratia petitorum honos paritur, non eis ornamentis, quae esse in te videmus. nam quod ad populum pertinet, semper dignitatis iniquus iudex est qui aut invidet aut favet; quamquam nihil potes in te, Laterensis, constituere quod sit proprium laudis tuae, quin id tibi sit commune cum Plancio. sed hoc totum agetur alio loco: nunc tantum disputo de 8
iure populi, qui et potest et solet nonnumquam dignos praeterire, nec, si a populo praeteritus est quem non opor-

tuit, a iudicibus condemnandus est qui praeteritus non est. nam si ita esset, quod patres apud maiores nostros tenere non potuerunt, ut reprehensores essent comitiorum, id haberent iudices, vel quod multo etiam minus esset ferendum; tum enim magistratum non gerebat is, qui ceperat, si patres auctores non erant facti; nunc postulatur a vobis, ut eius exitio, qui creatus sit, iudicium populi Romani reprehendatis. itaque quoniam, qua nolui ianua sum ingressus in causam, sperare videor tantum afuturam esse orationem meam a minima suspicione offensionis tuae, te ut potius obiurgem, quod iniquum in discrimen adducas dignitatem tuam, quam ut eam ego ulla contumelia coner

9 attingere. IV tu continentiam, tu industriam, tu animum in rem publicam, tu virtutem, tu innocentiam, tu fidem, tu labores tuos, quod aedilis non sis factus, fractos esse et abiectos et repudiatos putas? vide tandem, Laterensis, quantum ego a te dissentiam. si, me dius fidius, decem soli essent in civitate viri boni, sapientes, iusti, graves, qui te indignum aedilitate iudicavissent, gravius de te iudicatum putarem, quam est hoc, quod tu metuis ne a populo iudicatum esse videatur. non enim comitiis iudicat semper populus, sed movetur plerumque gratia, cedit precibus; facit eos, a quibus est maxime ambitus; denique, etiam si iudicat, non dilectu aliquo aut sapientia ducitur ad iudicandum, sed impetu nonnumquam et quadam etiam temeritate. non est enim consilium in volgo, non ratio, non discrimen, non diligentia; semperque sapientes ea, quae populus fecisset, ferenda, non semper laudanda duxerunt. qua re cum te aedilem fieri oportuisse dicis, populi culpam, non competitoris ac-

10 cusas. ut fueris dignior quam Plancius—de quo ipso tecum ita contendam paulo post, ut conservem dignitatem tuam—sed ut fueris dignior, non competitor, a quo es victus, sed populus, a quo es praeteritus, in culpa est. in quo illud

primum debes putare, comitiis, praesertim aediliciis, studium esse populi, non iudicium; eblandita illa, non enucleata esse suffragia; eos, qui suffragium ferant, quid cuique ipsi debeant considerare saepius quam quid cuique a re publica debeatur. sin autem mavis illud esse iudicium, non tibi id rescindendum est, sed ferendum. 'male iudicavit populus.' 11
at iudicavit. 'non debuit.' at potuit. 'non fero.' at multi clarissimi et sapientissimi cives tulerunt. est enim haec condicio liberorum populorum praecipueque huius principis populi et omnium gentium domini atque victoris, posse suffragiis vel dare vel detrahere quod velit cuique: nostrum est autem, nostrum, qui in hac tempestate populi iactemur et fluctibus, ferre modice populi voluntates, adlicere alienas, retinere partas, placare turbatas; honores si magni non putemus, non servire populo; sin eos expetamus, non defetigari supplicando.

V Venio iam ad ipsius populi partis, ut illius contra te 12
oratione potius quam mea disputem. qui si tecum congrediatur et si una loqui voce possit, haec dicat: 'ego tibi, Laterensis, Plancium non anteposui, sed cum essetis aeque boni viri, meum beneficium ad eum potius detuli qui a me contenderat, quam ad eum qui mihi non nimis submisse supplicarat.' respondebis, credo, te splendore et vetustate familiae fretum non valde ambiendum putasse. at vero te ille ad sua instituta suorumque maiorum exempla revocabit: semper se dicet rogari voluisse, semper sibi supplicari: se M. Seium, qui ne equestrem quidem splendorem incolumem a calamitate iudicii retinere potuisset, homini nobilissimo, innocentissimo, eloquentissimo, M. Pisoni, praetulisse; praeposuisse se Q. Catulo, summa in familia nato, sapientissimo et sanctissimo viro, non dico C. Serranum, stultissimum hominem—fuit enim tamen nobilis—, non C. Fimbriam, novum hominem—fuit enim et animi satis magni et consilii—, sed Cn. Manlium, non solum ignobilem, verum sine virtute,

13 sine ingenio, vita etiam contempta ac sordida. 'desiderarunt te' inquit 'oculi mei, cum tu esses Cyrenis: me enim quam socios tua frui virtute malebam, et, quo plus intererat, eo plus aberat a me, cum te non videbam; deinde sitientem me virtutis tuae deseruisti ac reliquisti. coeperas enim petere tribunatum plebis temporibus eis, quae istam eloquentiam et virtutem requirebant: quam petitionem cum reliquisses, si hoc indicasti, tanta in tempestate te gubernare non posse, de virtute tua dubitavi; si nolle, de voluntate; sin, quod magis intellego, temporibus te aliis reservasti, ego quoque' inquiet populus Romanus 'ad ea te tempora revocavi, ad quae tu te ipse servaras. pete igitur eum magistratum, in quo mihi magnae utilitati esse possis; aediles quicumque erunt, eidem mihi sunt ludi parati; tribuni plebis permagni interest qui sint. qua re aut redde mihi quod ostenderas, aut si, quod mea minus interest, id te magis forte delectat, reddam tibi istam aedilitatem etiam neglegenter petenti: sed amplissimos honores ut pro dignitate tua consequare, condiscas censeo mihi paullo diligentius supplicare.'

14 VI haec populi oratio est, mea vero, Laterensis, haec: qua re victus sis non debere iudicem quaerere, modo ne largitione sis victus. nam si quotienscumque praeteritus erit is, qui non debuerit praeteriri, totiens oportebit eum, qui factus erit, condemnari, nihil est iam quod populo supplicetur, nihil quod diribitio suffragiorum, nihil quod [supplicatio magistratuum,] renuntiatio exspectetur: simul ut qui sint professi videro, dicam: hic familia consulari est, ille praetoria: reliquos video esse ex equestri loco: sunt omnes sine macula, sunt aeque boni viri atque integri, sed servari necesse est gradus: cedat consulari generi praetorium, ne
15 contendat cum praetorio nomine equester locus. sublata sunt studia, exstinctae suffragationes, nullae contentiones, nulla libertas populi in mandandis magistratibus, nulla ex-

spectatio suffragiorum: nihil, ut plerumque evenit, praeter opinionem accidet; nulla erit posthac varietas comitiorum. sin hoc persaepe accidit, ut et factos aliquos et non factos esse miremur, si campus atque illae undae comitiorum, ut mare profundum et immensum, sic effervescunt quodam quasi aestu, ut ad alios accedant, ab aliis autem recedant, tanto nos in impetu studiorum et motu temeritatis modum aliquem et consilium et rationem requiremus? Quare noli **16** me ad contentionem vestrum vocare, Laterensis. etenim si populo grata est tabella, quae frontes aperit hominum, mentes tegit datque eam libertatem, ut quod velint faciant, promittant autem quod rogentur, cur tu, id in iudicio ut fiat, exprimis, quod non fit in campo? 'Hic quam ille dignior' perquam grave est dictu. Quo modo igitur est aequius? Sic credo: quod agitur, quod satis est iudici: 'hic factus est.' Cur iste potius quam ego? Vel nescio vel non dico vel denique, quod mihi gravissimum esset, si dicerem, sed impune tamen deberem dicere: 'Non recte,' num quid adsequerere, si illa extrema defensione uterer, populum quod voluisset fecisse, non quod debuisset?

VII Quid? si populi quoque factum defendo, Late- **17** rensis, et doceo Cn. Plancium non obrepsisse ad honorem, sed eo venisse cursu, qui semper patuerit hominibus ortis hoc nostro equestri loco, possumne eripere orationi tuae contentionem vestrum, quae tractari sine contumelia non potest, et te ad causam aliquando crimenque deducere? si, quod equitis Romani filius est, inferior esse debuit, omnes tecum equitum Romanorum filii petiverunt. nihil dico amplius: hoc tamen miror, cur huic potissimum irascare, qui longissime a te afuit. equidem, si quando, ut fit, iactor in turba, non illum accuso, qui est in summa sacra via, cum ego ad Fabium fornicem impellor, sed eum, qui in me ipsum incurrit atque incidit. tu neque Q. Pedio, forti viro, suscen-

ses neque huic A. Plotio, ornatissimo homini, familiari meo, et ab eo, qui hos dimovit, potius quam ab eis, qui in te
18 ipsum incubuerunt, te depulsum putas. sed tamen haec tibi est prima cum Plancio generis vestri familiaeque contentio, qua abs te vincitur. cur enim non confitear quod necesse est? sed non hic magis quam ego a meis competitoribus et alias et in consulatus petitione vincebar. sed vide ne haec ipsa, quae despicis, huic suffragata sint. Sic enim conferamus. Est tuum nomen utraque familia consulare. Num dubitas igitur quin omnes, qui favent nobilitati, qui id putant esse pulcherrimum, qui imaginibus, qui nominibus vestris ducuntur, te aedilem fecerint? equidem non dubito. sed si parum multi sunt qui nobilitatem ament, num ista est nostra culpa? etenim ad caput et ad fontem
19 generis utriusque veniamus. VIII tu es e municipio antiquissimo Tusculano, ex quo sunt plurimae familiae consulares (in quibus est etiam Iuventia), tot *quot* ex reliquis municipiis omnibus non sunt; hic est e praefectura Atinati, non tam prisca, non tam honorata, non tam suburbana. quantum interesse vis ad rationem petendi? primum utrum magis favere putas Atinatis an Tusculanos suis? alteri—scire enim hoc propter vicinitatem facile possum—, cum huius ornatissimi atque optimi viri, Cn. Saturnini, patrem aedilem, cum praetorem viderunt, quod primus ille non modo in eam familiam, sed etiam in praefecturam illam sellam curulem attulisset, mirandum in modum laetati sunt: alteros—credo, quia refertum est municipium consularibus; nam malevolos non esse certo scio—numquam intellexi vehementius suorum municipum honore
20 laetari. habemus hoc nos: habent nostra municipia. quid ego de me, de fratre meo loquar? quorum honoribus agri ipsi prope dicam montesque faverunt. num quando vides Tusculanum aliquem de M. Catone illo in

omni virtute principe, num de Ti. Coruncanio municipe suo, num de tot Fulviis gloriari? verbum nemo facit. at in quemcumque Arpinatem incideris, etiam si nolis, erit tamen tibi fortasse etiam de nobis aliquid, sed certe de C. Mario audiendum. primum igitur hic habuit studia suorum ardentia, tu tanta, quanta in hominibus iam saturatis honoribus esse potuerunt. deinde tui municipes sunt illi quidem splen- 21
didissimi homines, sed tamen pauci, si quidem cum Atinatibus conferantur: huius praefectura plena virorum fortissimorum est, sic ut nulla tota Italia frequentior dici possit; quam quidem nunc multitudinem videtis, iudices, in squalore et luctu supplicem vobis. hi tot equites Romani, tot tribuni aerarii—nam plebem a iudicio dimisimus, quae cuncta comitiis adfuit—, quid roboris, quid dignitatis huius petitioni attulerunt? non enim tribum Teretinam, de qua dicam alio loco, sed dignitatem, sed oculorum coniectum, sed solidam et robustam et adsiduam frequentiam praebuerunt: nostra municipia coniunctione etiam vicinitatis vehementer moventur. IX omnia, quae dico de Plancio, dico expertus in 22
nobis; sumus enim finitimi Atinatibus. laudanda est vel etiam amanda vicinitas, retinens veterem illam officii rationem, non infuscata malevolentia, non adsueta mendaciis, non fucosa, non fallax, non erudita artificio simulationis vel suburbano vel etiam urbano. nemo Arpinas non Plancio studuit, nemo Soranus, nemo Casinas, nemo Aquinas. tractus ille celeberrimus, Venafranus, Allifanus, tota denique nostra illa aspera et montuosa et fidelis et simplex et fautrix suorum regio se huius honore ornari, se augeri dignitate arbitrabatur. isdemque nunc ex municipiis adsunt equites Romani publice cum [legatione] testimonio, nec minore nunc sunt sollicitudine quam tum erant studio: etenim est gravius spoliari fortunis quam non augeri dignitate. ergo ut 23
alia in te erant inlustriora, Laterensis, quae tibi maiores

tui reliquerant, sic te Plancius hoc non solum municipii, verum etiam vicinitatis genere vincebat: nisi forte te Labicana aut Gabina aut Bovillana vicinitas adiuvabat, quibus e municipiis vix iam qui carnem Latinis petant reperiuntur. adiungamus, si vis, id quod tu huic obesse etiam putas, patrem publicanum: qui ordo quanto adiumento sit in honore quis nescit? flos enim equitum Romanorum, ornamentum civitatis, firmamentum rei publicae publicanorum ordine
24 continetur. quis est igitur qui neget eius ordinis studium fuisse in honore Planci singulare? neque iniuria, vel quod erat pater is, qui est princeps iam diu publicanorum, vel quod is ab sociis unice diligebatur vel quod diligentissime rogabat, vel quia pro filio supplicabat, vel quod huius ipsius in illum ordinem summa officia quaesturae tribunatusque constabant, vel quod illi in hoc ornando ordinem se ornare et consulere liberis suis arbitrabantur.

X Aliquid praeterea—timide dicam, sed tamen dicendum est—: non enim opibus, non invidiosa gratia, non potentia vix ferenda, sed commemoratione beneficii, sed misericordia, sed precibus aliquid attulimus etiam nos. appellavi populum tributim, submisi me et supplicavi: ultro me hercule se mihi etiam offerentis, ultro pollicentis rogavi: va-
25 luit causa rogandi, non gratia; nec, si vir amplissimus, cui nihil est quod roganti concedi non iure possit, de aliquo, ut dicis, non impetravit, ego sum adrogans, quod me valuisse dico. nam ut omittam illud, quod ego pro eo laborabam, qui valebat ipse per sese, rogatio ipsa semper est gratiosissima, quae est officio necessitudinis coniuncta maxime. neque enim ego sic rogabam, ut petere viderer, quia familiaris esset meus, quia vicinus, quia huius parente semper plurimum essem usus, sed ut quasi parenti et custodi salutis meae. non potentia mea, sed causa rogationis fuit gratiosa. nemo mea restitutione laetatus est,

nemo iniuria doluit, cui non huius in me misericordia grata fuerit. etenim si ante reditum meum Cn. Plancio se volgo 26
viri boni, cum hic tribunatum peteret, ultro offerebant, cui nomen meum absentis honori fuisset, ei meas praesentis preces non putas profuisse? an Minturnenses coloni, quod C. Marium e civili ferro atque ex impiis manibus eripuerunt, quod tecto receperunt, quod fessum inedia fluctibusque recrearunt, quod viaticum congesserunt, quod navigium dederunt, quod eum linquentem terram eam, quam servarat, votis ominibus lacrimisque prosecuti sunt, aeterna in laude versantur: Plancio, quod me vel vi pulsum vel ratione cedentem receperit iuverit custodierit, his et senatui populoque Romano, ut haberent quem reducerent, conservarit, honori hanc fidem misericordiam virtutem fuisse miraris?

XI Vitia me hercule Cn. Plancii res eae, de quibus 27
dixi, tegere potuerunt, ne tu in ea vita, de qua iam dicam, tot et tanta adiumenta huic honori fuisse mirere. hic est enim, qui adulescentulus cum A. Torquato profectus in Africam sic ab illo gravissimo et sanctissimo atque omni laude et honore dignissimo viro dilectus est, ut et contubernii necessitudo et adulescentis modestissimi pudor postulabat. quod, si adesset, non minus ille declararet quam hic illius frater patruelis et socer, T. Torquatus, omni illi virtute et laude par, qui est quidem cum illo maximis vinculis et propinquitatis et adfinitatis coniunctus, sed ita magnis amoris, ut illae necessitudinis causae leves esse videantur. fuit in Creta postea contubernalis Saturnini, propinqui sui, miles huius Q. Metelli, cui cum fuerit probatissimus hodieque sit, omnibus esse se probatum debet sperare. in ea provincia legatus fuit C. Sacerdos: qua virtute, qua constantia vir! L. Flaccus: qui homo! qui civis! *qui* qualem hunc putent, assiduitate testimonioque declarant. in Macedonia tribunus 28
militum fuit; in eadem provincia postea quaestor. primum

Macedonia sic eum diligit, ut indicant hi principes civitatum suarum; qui cum missi sint ob aliam causam, tamen huius repentino periculo commoti huic assident, pro hoc laborant, huic si praesto fuerint, gratius se civitatibus suis facturos putant quam si legationem suam et mandata confecerint. L. vero Apuleius hunc tanti facit, ut morem illum maiorum, qui praescribit in parentum loco quaestoribus suis praetores esse oportere, officiis benevolentiaque superarit. tribunus plebis fuit, non fortasse tam vehemens quam isti, quos tu iure laudas, sed certe talis, quales si omnes semper fuissent,
29 numquam desideratus vehemens esset tribunus. XII omitto illa, quae si minus in scaena sunt, at certe, cum sunt prolata, laudantur, ut vivat cum suis, primum cum parente—nam meo iudicio pietas fundamentum est omnium virtutum—, quem veretur ut deum—neque enim multo secus est parens liberis—, amat vero ut sodalem, ut fratrem, ut aequalem. quid dicam cum patruo, cum adfinibus, cum propinquis, cum hoc Cn. Saturnino, ornatissimo viro? cuius quantam honoris huius cupiditatem fuisse creditis, cum videtis luctus societatem? quid de me dicam, qui mihi in huius periculo reus esse videor? quid de his tot viris talibus, quos videtis veste mutata? atque haec sunt indicia, iudices, solida et expressa, haec signa probitatis non fucata forensi specie, sed domesticis inusta notis veritatis. Futtilis est illa occursatio et blanditia popularis: aspicitur, non attrectatur:
30 procul apparet, non excutitur, non in manus sumitur. omnibus igitur rebus ornatum hominem, tam externis quam domesticis, non nullis rebus inferiorem quam te, generis dico et nominis, superiorem aliis, municipum vicinorum societatum studio, meorum temporum memoria, parem virtute integritate modestia aedilem factum esse miraris?

Hunc tu vitae splendorem maculis aspergis istis? iacis adulteria, quae nemo non modo nomine, sed ne suspicione

quidem possit agnoscere. bimaritum appellas, ut verba etiam fingas, non solum crimina. ductum esse ab eo in provinciam aliquem dicis libidinis causa, quod non crimen est, sed impunitum in maledicto mendacium. raptam esse mimulam: quod dicitur Atinae factum a iuventute vetere quodam in scaenicos iure maximeque oppidano. o adulescentiam tra- 31
ductam eleganter! cui quidem cum quod licuerit obiciatur, tamen id ipsum falsum reperiatur. 'emissus aliqui e carcere.' et quidem emissus per imprudentiam, emissus, ut cognostis, necessarii hominis optimique adulescentis rogatu: idem postea praemandatis requisitus. atque haec nec ulla alia sunt coniecta maledicta in eius vitam, de cuius vos pudore religione integritate dubitetis. XIII 'pater vero' inquit 'etiam obesse filio debet.' o vocem duram atque indignam tua probitate, Laterensis! pater ut in iudicio capitis, pater ut in dimicatione fortunarum, pater ut apud talis viros obesse filio debeat? qui si esset turpissimus, si sordidissimus, tamen ipso nomine patrio valeret apud clementis iudices et misericordis; valeret, inquam, communi sensu omnium et dulcissima commendatione naturae. sed cum sit Cn. Plan- 32
cius is eques Romanus, ea primum vetustate equestris nominis, ut pater, ut avus, ut maiores eius omnes equites Romani fuerint, summum in praefectura florentissima gradum tenuerint et dignitatis et gratiae; deinde ut ipse in legionibus P. Crassi imperatoris inter ornatissimos homines, equites Romanos, summo splendore fuerit: ut postea princeps inter suos plurimarum rerum sanctissimus et iustissimus iudex, maximarum societatum auctor, plurimarum magister; si non modo in eo nihil umquam reprehensum, sed laudata sunt omnia, tamen is oberit honestissimo filio pater, qui vel minus honestum et alienum tueri vel auctoritate sua vel gratia possit? 'asperius' inquit 'locutus est aliquid aliquando.' im- 33
mo fortasse liberius. 'at id ipsum' inquit 'non est feren-

dum.' ergo ei ferendi sunt, qui hoc queruntur, libertatem equitis Romani se ferre non posse? ubinam ille mos? ubi illa aequitas iuris? ubi illa antiqua libertas, quae malis oppressa civilibus extollere iam caput et aliquando recreata se erigere debebat? equitum ego Romanorum in homines nobilissimos maledicta, publicanorum in Q. Scaevolam, virum omnibus ingenio iustitia integritate praestantem, aspere et ferociter et libere dicta commemorem? XIV consuli P. Nasicae praeco Granius medio in foro, cum ille edicto iustitio domum decedens rogasset Granium quid tristis esset? an quod reiectae auctiones essent? 'immo vero' inquit 'quod legationes.' idem tribuno plebis, potentissimo homini, M. Druso, sed multa in re publica molienti, cum ille eum salutasset *et*, ut fit, dixisset 'quid agis, Grani?' respondit 'immo vero tu, Druse, quid agis?' ille L. Crassi, ille M. Antoni voluntatem asperioribus facetiis saepe perstrinxit impune. nunc usque eo est oppressa nostra adrogantia civitas, ut, quae fuit olim praeconi in ridendo, nunc equiti
34 Romano in plorando non sit concessa libertas. quae enim umquam vox fuit Plancii contumeliae potius quam doloris? quid est autem umquam questus, nisi cum a sociis et a se iniuriam propulsaret? cum senatus impediretur quo minus, id quod hostibus semper erat tributum, responsum equitibus Romanis redderetur, omnibus illa iniuria dolori fuit publicanis, sed eum ipsum dolorem hic tulit paulo apertius. communis ille sensus in aliis fortasse latuit: hic, quod cum ceteris animo sentiebat, id magis quam ceteri et voltu promp-
35 tum habuit et lingua. quamquam, iudices,—agnosco enim ex me—permulta in Plancium, quae ab eo numquam dicta sunt, conferuntur. ego quia dico aliquid aliquando, non studio adductus, sed aut contentione dicendi aut lacessitus, et quia, ut fit in multis, exit aliquando aliquid si non perfacetum, at tamen fortasse non rusticum, quod quisque

dixit, me id dixisse dicunt; ego autem si quid est quod mihi scitum esse videatur et homine ingenuo dignum atque docto, non aspernor: stomachor, cum aliorum non me digna in me conferuntur. nam quod primus scivit legem de publicanis tum, cum vir amplissimus consul id illi ordini per populum dedit, quod per senatum si licuisset dedisset, si in eo crimen est, quia suffragium tulit, quis non tulit publicanus? si, quia primus scivit, utrum id sortis esse vis an eius, qui illam legem ferebat? si sortis, nullum crimen est in casu: si consulis, splendor etiam Planci hunc a summo viro principem esse ordinis iudicatum.

XV Sed aliquando veniamus ad causam: in qua tu 36
nomine legis Liciniae, quae est de sodaliciis, omnis ambitus leges complexus es. neque enim quicquam aliud in hac lege nisi editicios iudices es secutus; quod genus iudiciorum si est aequum ulla in re nisi in hac tribuaria, non intellego quam ob rem senatus hoc uno in genere tribus edi voluerit ab accusatore neque eandem editionem transtulerit in ceteras causas, de ipso denique ambitu reiectionem fieri voluerit iudicum alternorum, cumque nullum genus acerbitatis praetermitteret, hoc tamen unum praetereundum putarit. quid? 37
huiusce rei tandem obscura causa est, an et agitata tum, cum ista in senatu res agebatur, et disputata hesterno die copiosissime a Q. Hortensio, cui tum est senatus adsensus? hoc igitur sensimus: 'cuiuscumque tribus largitor esset per hanc consensionem, quae magis honeste quam vere sodalitas nominaretur, quam quisque tribum turpi largitione corrumperet, eum maxime eis hominibus, qui eius tribus essent, esse notum:' ita putavit senatus, cum reo tribus ederentur eae, quas is largitione devinctas haberet, eosdem fore testis et iudices. acerbum omnino genus iudicii, sed tamen, si vel sua vel ea, quae maxime esset cuique coniuncta, tribus ederetur, vix recusandum. XVI tu autem, Laterensis, quas 38

tribus edidisti? Teretinam, credo. fuit certe id aequum et certe exspectatum est et fuit dignum constantia tua. cuius tu tribus venditorem et corruptorem et sequestrem Plancium fuisse clamitas, eam tribum profecto, severissimorum praesertim hominum et gravissimorum, edere debuisti. at Voltiniam: libet enim tibi nescio quid etiam de illa tribu criminari: hanc igitur ipsam cur non edidisti? quid Plancio cum Lemonia? quid cum Oufentina? quid cum Clustumina? nam Maeciam, non quae iudicaret, sed quae reiceretur esse

39 voluisti. dubitatis igitur, iudices, quin vos M. Laterensis suo iudicio, non ad sententiam legis, sed ad suam spem aliquam de civitate delegerit? dubitatis quin eas tribus, in quibus magnas necessitudines habet Plancius, cum ille non ediderit, iudicarit officiis ab hoc observatas, non largitione corruptas? quid enim potest dicere cur ista editio non summam habeat acerbitatem, remota ratione illa, quam in de-

40 cernendo secuti sumus? tu deligas ex omni populo aut amicos tuos aut inimicos meos aut denique eos, quos inexorabilis, quos inhumanos, quos crudelis existimes? tu me ignaro, nec opinante, inscio notes et tuos et tuorum amicorum necessarios, vel iniquos vel meos vel etiam defensorum meorum, eodemque adiungas, quos natura putes asperos atque omnibus iniquos? deinde effundas repente, ut ante consessum meorum iudicum videam quam potuerim qui essent futuri suspicari, apud eosque me, ne quinque quidem reiectis, quod in proximo reo de consilii sententia constitutum est, cogas causam de fortunis omnibus

41 dicere? non enim, si aut Plancius ita vixit, ut offenderet sciens neminem, aut tu ita errasti, ut eos ederes imprudens, ut nos invito te tamen ad iudices, non ad carnifices veniremus, idcirco ista editio per se non acerba est. XVII an vero nuper clarissimi cives nomen editicii iudicis non tulerunt, cum ex CXXV iudicibus, principibus equestris or-

dinis, v et LXX reus reiceret, L referret, omniaque potius permiscuerunt, quam ei legi condicionique parerent: nos neque ex delectis iudicibus, sed ex omni populo, neque editos ad reiciendum, sed ab accusatore constitutos iudices ita feremus, ut neminem reiciamus? neque ego nunc legis 42
iniquitatem queror, sed factum tuum a sententia legis doceo discrepare: et illud acerbum iudicium si, quem ad modum senatus censuit populusque iussit, ita fecisses, ut huic et suam et ab hoc observatas tribus ederes, non modo non quererer, sed hunc eis iudicibus editis, qui eidem testes esse possent, absolutum putarem: neque nunc multo secus existimo. cum enim has tribus edidisti, ignotis te iudicibus uti malle quam notis indicavisti; fugisti sententiam legis; aequitatem omnem reiecisti; in tenebris quam in luce causam versari maluisti. Voltinia tribus ab hoc corrupta; Tereti- 43
nam habuerat venalem. quid diceret apud Voltiniensis aut apud tribulis suos iudices? immo vero tu quid diceres? quem iudicem ex illis aut tacitum testem haberes aut vero etiam excitares? etenim si reus tribus ederet, Voltiniam fortasse Plancius propter necessitudinem ac vicinitatem, suam vero certe edidisset. et, si quaesitor huic edendus fuisset, quem tandem potius quam hunc C. Alfium, quem habet, cui notissimus esse debet, vicinum, tribulem, gravissimum hominem iustissimumque edidisset? cuius quidem aequitas et ea voluntas erga Cn. Plancii salutem, quam ille sine ulla cupiditatis suspicione prae se fert, facile declarat non fuisse fugiendos tribulis huic iudices, cui quaesitorem tribulem exoptandum fuisse videatis. XVIII neque ego nunc 44
consilium reprehendo tuum, quod eas tribus, quibus erat hic maxime notus, non edideris, sed a te doceo consilium non servatum senatus. etenim quis te tum audiret illorum aut quid diceres? sequestremne Plancium? respuerent aures, nemo agnosceret, repudiarent. an gratiosum? illi

libenter audirent, nos non timide confiteremur. noli enim
putare, Laterensis, legibus istis, quas senatus de ambitu
sanciri voluerit, id esse actum, ut suffragatio, ut obser-
vantia, ut gratia tolleretur: semper fuerunt viri boni, qui
45 apud tribulis suos gratiosi esse vellent. neque vero tam
durus in plebem noster ordo fuit, ut eam coli nostra modica
liberalitate noluerit, neque hoc liberis nostris interdicendum
est, ne observent tribulis suos, ne diligant, ne conficere
necessariis suis suam tribum possint, ne par ab eis munus
in sua petitione exspectent: haec enim plena sunt officii,
plena observantiae, plena etiam antiquitatis. isto in genere
et fuimus ipsi, cum ambitionis nostrae tempora postula-
bant, et clarissimos viros esse vidimus et hodie esse volu-
mus quam plurimos gratiosos: decuriatio tribulium, discriptio
populi, suffragia largitione devincta severitatem senatus et
bonorum omnium iram ac dolorem excitarunt. haec doce,
haec profer, huc incumbe, Laterensis, decuriasse Plancium,
conscripsisse, sequestrem fuisse, pronuntiasse, divisisse: tum
mirabor te eis armis uti, quae tibi lex dabat, noluisse. tri-
bulibus enim iudicibus non modo severitatem illorum, si
46 ista vera sunt, sed ne voltus quidem ferre possemus. hanc
tu rationem cum fugeris cumque eos iudices habere nolu-
eris, quorum in huius delicto cum scientia certissima tum
dolor gravissimus esse debuerit, quid apud hos dices, qui
abs te taciti requirunt cur sibi hoc oneris imposueris, cur
se potissimum delegeris, cur denique se divinare malueris
quam eos, qui scirent, iudicare? XIX ego Plancium,
Laterensis, et ipsum gratiosum esse dico et habuisse in pe-
titione multos cupidos sui gratiosos; quos tu si sodalis vocas,
officiosam amicitiam nomine inquinas criminoso: sin, quia
gratiosi sint, accusandos putas, noli mirari te id, quod tua
dignitas postularit, repudiandis gratiosorum amicitiis non
47 esse adsecutum. nam ut ego doceo gratiosum esse in sua

tribu Plancium, quod multis benigne fecerit, pro multis spoponderit, in operas plurimos patris auctoritate et gratia miserit, quod denique omnibus officiis per se, per patrem, per maiores suos totam Atinatem praefecturam comprehenderit, sic tu doce sequestrem fuisse, largitum esse, conscripsisse, tribulis decuriavisse. quod si non potes, noli tollere ex ordine nostro liberalitatem, noli maleficium putare esse gratiam, noli observantiam sancire poena.

Itaque haesitantem te in hoc sodaliciorum tribuario crimine ad communem ambitus causam contulisti, in qua desinamus aliquando, si videtur, volgari et pervagata declamatione contendere. sic enim tecum ago: quam tibi commodum est, 48
tribum unam delige: tu doce, id quod debes, per quem sequestrem, quo divisore corrupta sit: ego, si id facere non potueris, quod, ut opinio mea fert, ne incipies quidem, per quem tulerit docebo. estne haec vera contentio? placetne sic agi? num possum magis pedem conferre, ut aiunt, aut propius accedere? quid taces? quid dissimulas? quid tergiversaris? etiam atque etiam insto atque urgeo, insector, posco atque adeo flagito crimen. quamcumque tribum, inquam, delegeris, quam tulerit Plancius, tu ostendito, si potueris, vitium: ego qua ratione tulerit docebo. neque erit haec alia ratio Plancio ac tibi, Laterensis. nam ut quas tribus tu tulisti, si iam ex te requiram, possis quorum studio tuleris explicare, sic ego hoc contendo, me tibi ipsi adversario, cuiuscumque tribus rationem poposceris, redditurum.

XX Sed cur sic ago? quasi non comitiis iam superiori- 49
bus sit Plancius designatus aedilis: quae comitia primum habere coepit consul cum omnibus in rebus summa auctoritate tum harum ipsarum legum ambitus auctor; deinde habere coepit subito praeter opinionem omnium, ut ne si cogitasset quidem largiri quispiam, daretur spatium comparandi. vo-

catae tribus, latum suffragium, diribitae *tabellae*, renuntiatae: longe plurimum valuit Plancius: nulla largitionis nec fuit nec esse potuit suspicio. ain tandem? una centuria praerogativa tantum habet auctoritatis, ut nemo umquam eam tulerit quin renunciatus sit aut eis ipsis comitiis prior consul aut certe in illum annum: aedilem tu Plancium factum esse miraris, in quo non exigua pars populi, sed universus populus voluntatem suam declararit? cuius in honore non unius tribus pars, sed comitia tota comitiis fuerint praerogativa?
50 quo quidem tempore, Laterensis, si id facere voluisses aut si gravitatis esse putasses tuae, quod multi nobiles saepe fecerunt, ut, cum minus valuissent suffragiis quam putassent, postea prolatis comitiis prosternerent se et populo Romano fracto animo atque humili supplicarent, non dubito quin omnis ad te conversura fuerit multitudo. numquam enim fere nobilitas, integra praesertim atque innocens, a populo Romano supplex repudiata est. sed si tibi gravitas tua et magnitudo animi pluris fuit, sicuti esse debuit, quam aedilitas, noli, cum habeas id, quod malueris, desiderare id, quod minoris putaris. equidem primum ut honore dignus essem maxime semper laboravi; secundo ut existimarer; tertium mihi fuit illud, quod plerisque primum est, ipse honos, qui eis denique debet esse iucundus, quorum dignitati populus Romanus testimonium, non beneficium ambitioni dedit.

51 XXI Quaeris etiam, Laterensis, quid imaginibus tuis, quid ornatissimo atque optimo viro, patri tuo, respondeas mortuo. noli ista meditari, atque illud cave potius, ne tua ista querella dolorque nimius ab illis sapientissimis viris reprehendatur. vidit enim pater tuus Appium Claudium, nobilissimum hominem, vivo fratre suo, potentissimo et clarissimo civi, C. Claudio, aedilem non esse factum et eundem sine repulsa factum esse consulem: vidit hominem sibi maxime

coniunctum, egregium virum, L. Volcatium, vidit M. Pisonem ista in aedilitate offensiuncula accepta summos a populo Romano esse honores adeptos. avus vero tuus et P. Nasicae tibi aediliciam praedicaret repulsam, quo cive neminem ego statuo in hac re publica fortiorem, et C. Marii, qui duabus aedilitatibus repulsus septiens consul est factus, et L. Caesaris, Cn. Octavi, M. Tulli : quos omnis scimus aedilitate praeteritos consules esse factos. sed quid ego aedilicias re- 52
pulsas conligo? quae saepe eius modi habitae sunt, ut eis, qui praeteriti essent, benigne a populo factum videretur. tribunus militum L. Philippus, summa nobilitate et eloquentia, quaestor C. Caelius, clarissimus ac fortissimus adulescens, tribuni plebis P. Rutilius Rufus, C. Fimbria, C. Cassius, Cn. Orestes facti non sunt, quos tamen omnis consules scimus factos esse; quae tibi ultro pater et maiores tui non consolandi tui gratia dicent, neque vero quo te liberent aliqua culpa, quam tu vereris, ne a te suscepta videatur, sed ut te ad istum cursum tenendum, quem a prima aetate suscepisti, cohortentur. nihil est enim, mihi crede, Laterensis, de te detractum. detractum dico? si me hercule vere quod accidit interpretari velis, est aliquid etiam de virtute significatum tua. XXII noli enim existimare non magnum quemdam motum fuisse illius petitionis tuae, de qua ne aliquid iurares destitisti? denuntiasti homo adulescens quid de summa rei publicae sentires; fortius tu quidem quam non nulli defuncti honoribus, sed apertius quam vel ambitionis vel aetatis tuae ratio postulabat. quam 53
ob rem in dissentiente populo noli putare nullos fuisse, quorum animos tuus ille fortis animus offenderet: qui te incautum fortasse nunc tuo loco demovere potuerunt, providentem autem et praecaventem numquam certe movebunt.

An te illa argumenta duxerunt? 'dubitatis' inquit 'quin coitio facta sit, cum tribus plerasque cum Plotio tulerit

Plancius?'—an una fieri potuerunt, si una tribus non tulissent?—'at non nullas punctis paene totidem.' quippe, cum iam facti prope superioribus comitiis declaratique venissent. quamquam ne id quidem suspicionem coitionis habuerit: neque enim umquam maiores nostri sortitionem constituissent aediliciam, nisi viderent accidere posse ut competitores
54 pares suffragiis essent. et ais prioribus comitiis Aniensem a Plotio Pedio, Teretinam a Plancio tibi esse concessam: nunc ab utroque eas avolsas, ne in angustum venirent. quam convenit nondum cognita populi voluntate hos, quos iam tum coniunctos fuisse dicis, iacturam suarum tribuum, quo vos adiuvaremini, fecisse: eosdem, cum iam essent experti quid valerent, restrictos et tenacis fuisse? etenim verebantur, credo, angustias; quasi res in contentionem aut in discrimen aliquod posset venire. sed tamen tu A. Plotium, virum ornatissimum, in idem crimen vocando indicas eum te adripuisse, a quo non sis rogatus? nam quod questus es pluris te testis habere de Voltinia quam quot in ea tribu puncta tuleris, indicas aut eos testis te producere, qui, quia nummos acceperint, te praeterierint, aut te ne gratuita qui-
55 dem eorum suffragia tulisse. XXIII illud vero crimen de nummis, quos in circo Flaminio deprehensos esse dixisti, caluit re recenti, nunc in causa refrixit: neque enim qui illi nummi fuerint nec quae tribus nec qui divisor ostendis. atque is quidem eductus ad consules, qui tum in crimen vocabatur, se inique a tuis iactatum graviter querebatur. qui si erat divisor, praesertim eius, quem tu habebas reum, cur abs te reus non est factus? cur non eius damnatione aliquid ad hoc iudicium praeiudicii comparasti? sed neque tu haec habes neque eis confidis: alia te ratio, alia cogitatio ad spem huius opprimendi excitavit. magnae sunt in te opes; late patet gratia: multi amici, multi cupidi tui, multi fautores laudis tuae; multi huic invident; multis etiam pater,

optimus vir, nimium retinens equestris iuris et libertatis
videtur: multi etiam communes inimici reorum omnium,
qui ita semper testimonium de ambitu dicunt, quasi aut
moveant animos iudicum suis testimoniis aut gratum populo
Romano sit, aut ab eo facilius ob eam causam dignitatem
quam volunt consequantur. quibuscum me, iudices, pug- 56
nantem more meo pristino non videbitis: non quo mihi
fas sit quicquam defugere quod salus Plancii postulet, sed
quia neque necesse est me id persequi voce, quod vos
mente videatis, et quod ita de me meriti sunt illi ipsi, quos
ego testis video paratos, ut eorum reprehensionem vos ves-
trae prudentiae adsumere, meae modestiae remittere de-
beatis. illud unum vos magno opere oro atque obsecro,
iudices, cum huius, quem defendo, tum communis periculi
causa, ne fictis auditionibus, ne disseminato dispersoque
sermoni fortunas innocentium subiciendas putetis. multi 57
amici accusatoris, non nulli etiam nostri iniqui, multi com-
munes obtrectatores atque omnium invidi multa finxerunt.
nihil est autem tam volucre quam maledictum: nihil facilius
emittitur, nihil citius excipitur, latius dissipatur. neque ego,
si fontem maledicti reperietis, ut neglegatis aut dissimuletis
umquam postulabo: sed si quid sine capite manabit aut quid
erit eius modi ut non exstet auctor, qui audierit *autem* aut ita
neglegens vobis esse videbitur, ut unde audierit oblitus sit,
aut ita levem habebit auctorem, ut memoria dignum non
putarit, huius illa vox volgaris 'audivi' ne quid innocenti reo
noceat, oramus.

XXIV Sed venio iam ad L. Cassium, familiarem meum, 58
cuius ex oratione ne illum quidem Iuventium tecum expostu-
lavi, quem ille omni et humanitate et virtute ornatus adule-
scens primum de plebe aedilem curulem factum esse dixit.
in quo, Cassi, si tibi ita respondeam, nescisse id populum
Romanum, neque fuisse qui id nobis narraret, praesertim

mortuo Congo, non, ut opinor, admirere, cum ego ipse non abhorrens a studio antiquitatis me hic id ex te primum audisse confitear. et quoniam tua fuit perelegans et persubtilis oratio, digna equitis Romani vel studio vel pudore, quoniamque sic ab his es auditus, ut magnus honos et ingenio et humanitati tuae tribueretur, respondebo ad ea, quae dixisti, quae pleraque de ipso me fuerunt: in quibus ipsi aculei, si quos habuisti in me reprehendendo, tamen mihi
59 non ingrati acciderunt. quaesisti utrum mihi putarem, equitis Romani filio, faciliorem fuisse ad adipiscendos honores viam an futuram esse filio meo, quia esset e familia consulari: ego vero quamquam illi omnia malo quam mihi, tamen honorum aditus numquam illi faciliores optavi quam mihi fuerunt. quin etiam, ne forte ille sibi me potius peperisse iam honores quam iter demonstrasse adipiscendorum putet, haec illi soleo praecipere—quamquam ad praecepta aetas non est grandis—, quae rex ille a Iove ortus suis praecepit filiis:

vigilándum est semper: múltae insidiae súnt bonis.

Nostis cetera. [nonne?

íd quod multi invídeant,]

quae scripsit gravis et ingeniosus poeta,[scripsit]non ut illos regios pueros, qui iam nusquam erant, sed ut nos et nostros
60 liberos ad laborem et ad laudem excitaret. quaeris quid potuerit amplius adsequi Plancius, si Cn. Scipionis fuisset filius. magis aedilis fieri non potuisset, sed hoc praestaret, quod ei minus invideretur: etenim honorum gradus summis hominibus et infimis sunt pares, gloriae dispares. XXV quis nostrum se dicit M'. Curio, quis C. Fabricio, quis C. Duilio parem? quis A. Atilio Calatino? quis Cn. et P. Scipionibus? quis Africano, Marcello, Maximo? tamen eosdem sumus honorum gradus quos illi adsecuti. etenim in virtute multi sunt ascensus, ut is maxime gloria excellat, qui virtute plurimum praestet: honorum populi finis est

consulatus, quem magistratum iam octingenti fere consecuti sunt: horum, si diligenter quaeres, vix decimam partem reperies gloria dignam. sed nemo umquam sic egit, ut tu: 'cur iste fit consul? quid potuit amplius, si L. Brutus esset, qui civitatem dominatu regio liberavit?' honore nihil amplius, laude multum. sic igitur Plancius nihilo minus quaestor est factus et tribunus plebis et aedilis quam si esset summo loco natus, sed haec pari loco orti sunt innumerabiles alii consecuti. profers triumphos T. Didii et C. Marii, et quaeris, 61
quid simile in Plancio: quasi vero isti, quos commemoras, propterea magistratus ceperint, quod triumpharant, et non, quia commissi sunt eis magistratus, in quibus triumpharent, re bene gesta triumpharint. rogas quae castra viderit: qui et miles in Creta hoc imperatore et tribunus in Macedonia [militum] fuerit et quaestor tantum ex re militari detraxerit temporis, quantum in me custodiendum transferre maluerit. quaeris 62
num disertus sit? immo, id quod secundum est, ne sibi quidem videtur. num iuris consultus? quasi quisquam sit qui sibi hunc falsum de iure respondisse dicat. omnes enim istius modi artes in eis reprehenduntur, qui cum professi sunt, satis facere non possunt, non in eis, qui se afuisse ab istis studiis confitentur: virtus, probitas, integritas in candidato, non linguae volubilitas, non ars, non scientia requiri solet. ut nos in mancipiis parandis quamvis frugi hominem, si pro fabro aut pro tectore emimus, ferre moleste solemus, si eas artes, quas in emendo secuti sumus, forte nesciunt, sin autem emimus quem vilicum imponeremus, quem pecori praeficeremus, nihil in eo nisi frugalitatem, laborem, vigilantiam esse curamus, sic populus Romanus deligit magistratus quasi rei publicae vilicos: in quibus si qua praeterea est ars, facile patitur; sin minus, virtute eorum et innocentia contentus est. quotus enim quisque disertus, quotus quisque iuris peritus est, ut eos numeres, qui volunt esse? quodsi

praeterea nemo est honore dignus, quidnam tot optimis et ornatissimis civibus est futurum?

63 XXVI Iubes Plancium de vitiis Laterensis dicere. nihil potest, nisi eum nimis in se iracundum [putabis] fuisse. idem effers Laterensem laudibus. facile patior id te agere multis verbis, quod ad iudicium non pertineat, et id te accusantem tam diu dicere, quod ego defensor sine periculo possim confiteri. atqui non modo confiteor summa in Laterense ornamenta esse, sed te etiam reprehendo, quod ea non enumeras, alia quaedam inania et levia conquiris. 'Praeneste fecisse ludos' quid? alii quaestores nonne fecerunt? 'Cyrenis liberalem in publicanos, iustum in socios fuisse'. quis negat? sed ita multa Romae geruntur, ut vix ea, quae fiunt

64 in provinciis, audiantur. non vereor ne mihi aliquid, iudices, videar adrogare, si de quaestura mea dixero. quamvis enim illa floruerit, tamen eum me postea fuisse in maximis imperiis arbitror, ut non ita multum mihi gloriae sit ex quaesturae laude repetendum: sed tamen non vereor ne quis audeat dicere ullius in Sicilia quaesturam aut clariorem aut gratiorem fuisse. vere me hercule hoc dicam: sic tum existimabam, nihil homines aliud Romae nisi de quaestura mea loqui. frumenti in summa caritate maximum numerum miseram: negotiatoribus comis, mercatoribus iustus, mancipibus liberalis, sociis abstinens, omnibus eram visus in omni officio diligentissimus; excogitati quidam erant a Siculis

65 honores in me inauditi: itaque hac spe decedebam, ut mihi populum Romanum ultro omnia delaturum putarem. at ego cum casu diebus eis itineris faciendi causa decedens e provincia Puteolos forte venissem, cum plurimi et lautissimi in eis locis solent esse, concidi paene, iudices, cum ex me quidam quaesisset quo die Roma exissem et numquidnam esset novi. cui cum respondissem, me e provincia decedere: 'etiam me hercule' inquit 'ut opinor, ex Africa.'

XXVII huic ego iam stomachans fastidiose 'immo ex
Sicilia,' inquam. tum quidam, quasi qui omnia sciret: 'quid?
tu nescis' inquit 'hunc quaestorem Syracusis fuisse?' quid
multa? destiti stomachari et me unum ex eis feci, qui ad aquas
venissent. sed ea res, iudices, haud scio an plus mihi profuerit,
quam si mihi tum essent omnes gratulati: nam posteaquam 66
sensi populi Romani auris hebetiores, oculos autem esse
acris atque acutos, destiti quid de me audituri essent homi-
nes cogitare; feci ut postea cotidie praesentem me viderent:
habitavi in oculis, pressi forum; neminem a congressu meo
neque ianitor meus neque somnus absterruit. ecquid ego
dicam de occupatis meis temporibus, cui fuerit ne otium
quidem umquam otiosum? nam quas tu commemoras, Cassi,
legere te solere orationes, cum otiosus sis, has ego scripsi
ludis et feriis, ne omnino umquam essem otiosus. etenim
M. Catonis illud, quod in principio scripsit Originum suarum,
semper magnificum et praeclarum putavi, clarorum virorum
atque magnorum non minus otii quam negotii rationem ex-
stare oportere. itaque si quam habeo laudem, quae quanta
sit nescio, parta Romae est, quaesita in foro; meaque privata
consilia publici quoque casus comprobaverunt, ut etiam
summa res publica mihi domi fuerit gerenda et urbs in urbe
servanda. eadem igitur, Cassi, via munita Laterensi est, 67
idem virtutis cursus ad gloriam, hoc facilior fortasse, quod
ego huc a me ortus et per me nixus ascendi, istius egregia
virtus adiuvabitur commendatione maiorum. sed ut redeam
ad Plancium, numquam ex urbe afuit nisi sorte lege ne-
cessitate: non valuit rebus isdem, quibus fortasse non nulli:
at valuit adsiduitate, valuit observandis amicis, valuit liberali-
tate: fuit in oculis, petivit, ea est usus ratione vitae, qua
minima invidia novi homines plurimi sunt eosdem honores
consecuti.

68 XXVIII Nam quod ais, Cassi, non plus me Plancio debere quam bonis omnibus, quod eis aeque mea salus cara fuerit, ego me debere bonis omnibus fateor: sed etiam ei, quibus ego debeo, boni viri et cives comitiis aediliciis aliquid se meo nomine Plancio debere dicebant. verum fac me multis debere et in eis Plancio: utrum igitur me conturbare oportet an ceteris, cum cuiusque dies venerit, hoc nomen, quod urget, nunc, cum petitur, dissolvere? quamquam dissimilis est pecuniae debitio et gratiae: nam qui pecuniam dissolvit, statim non habet id, quod reddidit; qui autem debet, aes retinet alienum: gratiam autem et qui refert habet et qui habet in eo ipso, quod habet, refert. neque ego nunc Plancio desinam debere, si hoc solvero, nec minus ei red-
69 derem voluntate ipsa, si hoc molestiae non accidisset. quaeris a me, Cassi, quid pro fratre meo, qui mihi est carissimus, quid pro meis liberis, quibus nihil mihi potest esse iucundius, amplius quam quod pro Plancio facio facere possim, nec vides istorum ipsorum caritate ad huius salutem defendendam maxime stimulari me atque excitari. nam neque illis huius salute, a quo meam sciunt esse defensam, quicquam est optatius, et ego ipse numquam illos aspicio quin, cum per hunc me eis conservatum esse meminerim, huius meritum in me recorder.

Opimium damnatum esse commemoras, servatorem ipsum rei publicae; Calidium adiungis, cuius lege Q. Metellus in civitatem sit restitutus: reprehendis meas pro Plancio preces, quod neque Opimius suo nomine liberatus sit neque Q. Metelli Calidius. XXIX De Calidio tibi tantum respondeo, quod ipse vidi: Q. Metellum Pium consulem praetoriis comitiis, petente Q. Calidio, populo Romano supplicasse, cum quidem non dubitaret et consul et homo nobilissimus patronum esse illum suum et familiae nobi-
70 lissimae dicere. Quo loco quaero ex te num id in iudicio

Calidi putes, quod ego in Planci facio, aut Metellum Pium, si Romae esse potuisset, aut patrem eius, si vixisset, non fuisse facturum. nam Opimi quidem calamitas utinam ex hominum memoria posset evelli! volnus illud rei publicae, dedecus huius imperii, turpitudo populi Romani, non iudicium putandum est. quam enim illi iudices, si iudices et non parricidae patriae nominandi sunt, graviorem potuerunt rei publicae infligere securim, quam cum illum e civitate eiecerunt, qui praetor finitimo, consul domestico bello rem publicam liberarat? 71 at ego nimis magnum beneficium Planci facio et, ut ais, id verbis exaggero: quasi vero me tuo arbitratu et non meo gratum esse oporteat. 'quod istius tantum meritum?' inquit 'an quia te non iugulavit?' immo vero, quia iugulari passus non est. quo quidem tu loco, Cassi, etiam purgasti inimicos meos meaeque vitae nullas ab illis insidias fuisse dixisti. posuit hoc idem Laterensis. quam ob rem paullo post de isto plura dicam: de te tantum requiro, utrum putes odium in me mediocre inimicorum fuisse—quod fuit ullorum umquam barbarorum tam immane ac tam crudele in hostem?—an fuisse in eis aliquem aut famae metum aut poenae, quorum vidisti toto illo anno ferrum in foro, flammam in delubris, vim in tota urbe versari? nisi forte existimas eos idcirco vitae meae pepercisse, quod de reditu meo nihil timerent. et quemquam putas fuisse tam excordem, qui vivis his stante urbe et curia rediturum me, si viverem, non putaret? quam ob rem non debes is homo et is civis praedicare vitam meam, quae fidelitate amicorum conservata sit, inimicorum molestia non esse appetitam.

72 XXX Respondebo tibi nunc, Laterensis, minus fortasse vehementer, quam abs te sum provocatus, sed profecto nec considerate minus nec minus amice. nam primum fuit illud asperius, me quae de Plancio dicerem mentiri et tem-

poris causa fingere. scilicet homo sapiens excogitavi quam ob rem viderer maximis beneficii vinclis obstrictus, cum liber essem et solutus. quid enim? mihi ad defendendum Plancium parum multae, parum iustae necessitudines erant familiaritatis, vicinitatis, patris amicitiae? quae si non essent, vererer, credo, ne turpiter facerem, si hoc splendore et hac dignitate hominem defenderem. fingenda mihi fuit videlicet causa peracuta, ut ei, quem mihi debere oporteret, ego me omnia debere dicerem. at id etiam gregarii milites faciunt inviti, ut coronam dent civicam et se ab aliquo servatos esse fateantur, non quo turpe sit protectum in acie ex hostium manibus eripi—nam id accidere nisi forti viro et pugnanti comminus non potest—, sed onus beneficii reformidant,
73 quod permagnum est alieno debere idem quod parenti. ego, cum ceteri vera beneficia, etiam minora, dissimulent, ne obligati esse videantur, eo me beneficio obstrictum esse ementior, cui ne referri quidem gratia posse videatur? an hoc tu, Laterensis, ignoras? qui cum mihi esses amicissimus, cum vel periculum vitae tuae mecum sociare voluisses, cum me in illo tristi et acerbo luctu atque discessu non lacrimis solum tuis sed animo corpore copiis prosecutus esses, cum meos liberos et uxorem me absente tuis opibus auxilioque defendisses, sic mecum semper egisti, te mihi remittere atque concedere, ut omne meum studium in Cn. Plancii honore consumerem, quod eius in me meritum tibi etiam ipsi gra-
74 tum esse dicebas. nihil autem me novi, nihil temporis causa dicere, nonne etiam est illa testis oratio, quae est a me prima habita in senatu? in qua cum perpaucis nominatim egissem gratias, quod omnes enumerari nullo modo possent, scelus autem esset quemquam praeteriri, statuissemque eos solum nominare, qui nostrae causae duces et quasi signiferi fuissent, in his Plancio gratias egi. recitetur oratio, quae propter rei magnitudinem dicta de scripto est: in qua ego homo as-

tutus ei me dedebam, cui nihil magno opere deberem, et huius officii tanti servitutem astringebam testimonio sempiterno. nolo cetera, quae a me mandata sunt litteris, recitare: praetermitto, ne aut proferre videar ad tempus aut eo genere uti litterarum, quod meis studiis aptius quam consuetudini iudiciorum esse videatur.

XXXI Atque etiam clamitas, Laterensis: 'quo usque 75
ista dicis? nihil in Cispio profecisti: obsoletae iam sunt preces tuae.' de Cispio mihi igitur obicies, quem ego de me bene meritum quia te teste cognoram, te eodem auctore defendi? et ei dices 'quousque?', quem negas, quod pro Cispio contenderim, impetrare potuisse? nam istius verbi 'quousque' poterat haec esse invidia: 'Datus est tibi ille, condonatus est ille: non facis finem? ferre non possumus.' Ei quidem, qui *quod* pro uno laborarit, id ipsum non obtinuerit, dici 'quo usque?' inridentis magis est quam reprehendentis; nisi forte ego unus ita me gessi in iudiciis, ita et cum his et inter hos vixi, is in causis patronus, is in re publica civis et sum et semper fui, solus ut a te constituar qui nihil a iudicibus debeam umquam impetrare. Et mihi lacrimulam Cispiani iu- 76
dicii obiectas. sic enim dixisti: 'Vidi ego tuam lacrimulam.' vide quam me verbi tui paeniteat: non modo lacrimulam, sed multas lacrimas et fletum cum singultu videre potuisti. An ego, qui meorum lacrimis me absente commotus simultates, quas mecum habebat, deposuisset meaeque salutis non modo non oppugnator, ut inimici mei putarant, sed etiam defensor fuisset, huius in periculo non significarem dolorem meum? Tu autem, Laterensis, qui tum lacrimas meas gratas esse dicebas, nunc easdem vis invidiosas videri.

XXXII Negas tribunatum Plancii quicquam attulisse 77
adiumenti dignitati meae, atque hoc loco, quod verissime facere potes, L. Racilii, fortissimi et constantissimi viri, divina in me merita commemoras. cui quidem ego, sicuti

Plancio, numquam dissimulavi me plurimum debere semperque prae me feram: nullas enim sibi ille neque contentiones neque inimicitias neque vitae dimicationes nec pro re publica nec pro me defugiendas putavit. atque utinam, quam ego sum in illum gratus, tam licuisset per hominum vim et iniuriam populo Romano ei gratiam referre! sed si non eadem contendit in tribunatu Plancius, existimare debes non huic voluntatem defuisse, sed me, cum tantum iam
78 Plancio deberem, Racili beneficiis fuisse contentum. an vero putas idcirco minus iudices mea causa facturos, quod me esse gratum crimineris? an, cum patres conscripti illo senatus consulto, quod in monumento Mari factum est, quo mea salus omnibus est gentibus commendata, uni Cn. Plancio gratias egerint—unus enim fuit de magistratibus defensor salutis meae:—cui senatus pro me gratias agendas putavit, ei ego a me referendam gratiam non putem? atque haec cum vides, quo me tandem in te animo putas esse, Laterensis? ullum esse tantum periculum, tantum laborem, tantam contentionem quam ego non modo pro salute tua, sed etiam pro dignitate defugerim? quo quidem etiam magis sum non dicam miser—nam hoc quidem abhorret a virtute verbum—, sed certe exercitus, non quia multis debeo—leve enim est onus beneficii gratia—, sed quia saepe concurrunt propriae aliquorum bene de me meritorum inter ipsos contentiones, ut eodem tempore in omnis verear ne vix possim gratus videri.

79 Sed haec ego meis ponderibus examinabo, non solum quid cuique debeam, sed etiam quid cuiusque intersit et quid a me cuiusque tempus poscat. XXXIII agitur studium tuum vel etiam, si vis, existimatio, laus aedilitatis: at Cn. Plancii salus patria fortunae. salvum tu me esse cupisti: hic fecit etiam ut esse possem. distineor tamen et divellor dolore et in causa dispari offendi te a me doleo: sed, me

dius fidius, multo citius meam salutem pro te abiecero quam
Cn. Planci salutem tradidero contentioni tuae. etenim, iu- 80
dices, cum omnibus me virtutibus adfectum esse cupio, tum
nihil est quod malim quam me et esse gratum et videri. haec
est enim una virtus non solum maxima, sed etiam mater vir-
tutum omnium reliquarum. quid est pietas nisi voluntas
grata in parentes? qui sunt boni cives, qui belli, qui domi de
patria bene merentes, nisi qui patriae beneficia meminerunt?
qui sancti, qui religionum colentes, nisi qui meritam dis im-
mortalibus gratiam iustis honoribus et memori mente persol-
vunt? quae potest esse vitae iucunditas sublatis amicitiis?
quae porro amicitia potest esse inter ingratos? quis est 81
nostrum liberaliter educatus, cui non educatores, cui non
magistri sui atque doctores, cui non locus ipse mutus ille,
ubi alitus aut doctus est, cum grata recordatione in mente
versetur? cuius opes tantae esse possunt aut umquam fuerunt,
quae sine multorum amicorum officiis stare possint? quae
certe sublata memoria et gratia nulla exstare possunt. equi-
dem nihil tam proprium hominis existimo quam non modo
beneficio, sed etiam benevolentiae significatione adligari;
nihil porro tam inhumanum, tam immane, tam ferum quam
committere ut beneficio non dicam indignus, sed victus esse
videare. quae cum ita sint, iam succumbam, Laterensis, 82
isti tuo crimini, meque in eo ipso, in quo nihil potest esse
nimium, quoniam ita tu vis, nimium [gratum] esse concedam,
petamque a vobis, iudices, ut eum beneficio complectamini,
quem qui reprehendit, in eo reprehendit, quod gratum prae-
ter modum dicat esse. neque enim illud ad neglegendam
meam gratiam debet valere, quod dixit idem, vos nec no-
centis nec litigiosos esse, quo minus me apud vos valere
oporteret: quasi vero in amicitia mea non haec praesidia, si
quae forte sunt in me, parata semper amicis esse maluerim
quam necessaria. etenim ego de me tantum audeo dicere,

amicitiam meam voluptati pluribus quam praesidio fuisse, meque vehementer vitae meae paeniteret, si in mea familiaritate locus esset nemini nisi litigioso aut nocenti.

83 XXXIV Sed haec nescio quo modo frequenter in me congessisti, saneque in eo creber fuisti, te idcirco in ludos causam conicere noluisse, ne ego mea consuetudine aliquid de tensis misericordiae causa dicerem, quod in aliis aedilibus ante fecissem. non nihil egisti hoc loco; nam mihi eripuisti ornamentum orationis meae: deridebor, si mentionem tensarum fecero, cum tu id praedixeris: sine tensis autem quid potero dicere? hic etiam addidisti me idcirco mea lege exsilio ambitum sanxisse, ut miserabiliores epilogos possem dicere. non vobis videtur cum aliquo declamatore, non cum
84 laboris et fori discipulo disputare? 'Rhodi enim' inquit 'ego non fui:' me volt fuisse. 'sed fui' inquit—putabam in Vaccaeis dicturum—'bis in Bithynia.' si locus habet reprehensionis ansam aliquam, nescio cur severiorem Nicaeam putes quam Rhodum: si spectanda causa est, et tu in Bithynia summa cum dignitate fuisti et ego Rhodi non minore. nam quod in eo me reprehendisti, quod nimium multos defenderem, utinam et tu, qui potes, et ceteri, qui defugiunt, vellent me labore hoc levare! sed fit vestra diligentia, qui causis ponderandis omnis fere repudiatis, ut ad nos pleraeque confluant, qui miseris et laborantibus negare nihil pos-
85 sumus. admonuisti etiam, quod in Creta fuisses, dictum aliquod in petitionem tuam dici potuisse: me id perdidisse. uter igitur nostrum est cupidior dicti? egone, qui quod dici potuit non dixerim, an tu, qui etiam ipse in te dixeris? te aiebas de tuis rebus gestis nullas litteras misisse, quod mihi meae, quas ad aliquem misissem, obfuissent: quas ego mihi obfuisse non intellego, rei publicae video prodesse potuisse.

86 XXXV Sed sunt haec leviora, illa vero gravia atque

magna, quod meum discessum, quem saepe defleras, nunc quasi reprehendere et subaccusare voluisti. dixisti enim non auxilium mihi, sed me auxilio defuisse. ego vero fateor me, quod viderim mihi auxilium non deesse, idcirco me illi auxilio pepercisse. qui enim status, quod discrimen, quae fuerit in re publica tempestas illa quis nescit? tribunicius me terror an consularis furor movit? decertare mihi ferro magnum fuit cum reliquiis eorum, quos ego florentis atque integros sine ferro viceram? consules post hominum memoriam taeterrimi atque turpissimi, sicut et illa principia et hi recentes rerum exitus declararunt, quorum alter exercitum perdidit, alter vendidit, emptis provinciis a senatu, a re publica, a bonis omnibus defecerant: qui exercitu, qui armis, qui opibus plurimum poterant, cum quid sentirent nesciretur, furialis illa vox, nefariis stupris, religiosis altaribus effeminata, secum et illos et consules facere acerbissime personabat: egentes in locupletis, perditi in bonos, servi in dominos armabantur. at erat mecum senatus et quidem veste mu- 87
tata, quod pro me uno post hominum memoriam publico consilio susceptum est: sed recordare qui tum fuerint consulum nomine hostes, qui soli in hac urbe senatum senatui parere non sierint, edictoque suo non luctum patribus conscriptis, sed indicia luctus ademerint. at erat mecum cunctus equester ordo: quem quidem in contionibus saltator ille Catilinae consul proscriptionis denuntiatione terrebat. at tota Italia convenerat: cui quidem belli intestini et vastitatis metus inferebatur.

XXXVI Hisce ego auxiliis studentibus atque incitatis uti me, Laterensis, potuisse confiteor, sed erat non iure, non legibus, non disceptando decertandum (nam profecto, praesertim tam bona in causa, numquam, quo ceteri saepe abundarunt, id mihi ipsi auxilium meum defuisset), armis fuit, armis, inquam, fuit dimicandum, quibus a servis atque a

servorum ducibus caedem fieri senatus et bonorum rei
88 publicae exitiosum fuisset. Vinci autem improbos a bonis fateor fuisse praeclarum, si finem tum vincendi viderem [quem profecto non videbam]. ubi enim mihi praesto fuissent aut tam fortes consules, quam L. Opimius, quam C. Marius, quam L. Flaccus, quibus ducibus improbos cives res publica vicit armatis, aut, si minus fortes, at tamen tam iusti, quam P. Mucius, qui arma, quae privatus P. Scipio ceperat, ea Ti. Graccho interempto iure optimo sumpta esse defendit? esset igitur pugnandum cum consulibus. nihil dico amplius, nisi illud; victoriae nostrae gravis adversarios
89 paratos, interitus nullos esse ultores videbam. hisce ego auxiliis salutis meae si idcirco defui, quia nolui dimicare, fatebor, id quod vis, non mihi auxilium, sed me auxilio defuisse: sin autem, quo maiora studia in me bonorum fuerunt, hoc eis magis consulendum et parcendum putavi, tu id in me reprehendis, quod Q. Metello laudi datum est hodieque est et semper erit maximae gloriae? quem, ut potes ex multis audire, qui tum adfuerunt, constat invitissimis viris bonis cessisse, nec fuisse dubium quin contentione et armis superior posset esse. ergo ille cum suum, non cum senatus factum defenderet, cum perseverantiam sententiae suae, non salutem rei publicae retinuisset, tamen ob illam *causam,* quod illud voluntarium vulnus accepit, iustissimos omnium Metellorum et clarissimos triumphos gloria et laude superavit, quod et illos ipsos improbissimos civis interfici noluit, et ne quis bonus interiret in eadem caede providit: ego tantis periculis propositis cum, si victus essem, interitus rei publicae, si vicissem, infinita dimicatio pararetur, committerem ut idem perditor rei publicae nominarer, qui servator fuissem?

90 XXXVII mortem me timuisse dicis. ego vero ne immortalitatem quidem contra rem publicam accipiendam putarem, nedum emori cum pernicie rei publicae vellem.

nam qui pro re publica vitam ediderunt—licet me desipere dicatis—, numquam me hercule eos mortem potius quam immortalitatem adsecutos putavi. ego vero si tum illorum impiorum ferro ac manu concidissem, in perpetuum res publica civile praesidium salutis suae perdidisset; quin etiam si me vis aliqua morbi aut natura ipsa consumpsisset, tamen auxilia posteritatis essent imminuta, quod peremptum esset mea morte id exemplum, qualis futurus in me retinendo fuisset senatus populusque Romanus. an si umquam vitae cupiditas in me fuisset, ego mense Decembri mei consulatus omnium parricidarum tela commossem? quae, si viginti quiessem dies, in aliorum vigiliam consulum recidissent. quam ob rem si vitae cupiditas contra rem publicam est turpis, certe multo mortis cupiditas mea turpior fuisset cum pernicie civitatis.

Nam quod te esse in re publica liberum es gloriatus, id **91**
ego et fateor et laetor et tibi etiam in hoc gratulor: quod me autem negasti, in eo neque te neque quemquam diutius patiar errare. XXXVIII nam si quis idcirco aliquid de libertate mea deminutum putat, quod non ab omnibus eisdem, a quibus antea solitus sum dissentire, dissentiam, primum, si bene de me meritis gratum me praebeo, non debeo incurrere in crimen hominis nimium memoris nimiumque grati: sin autem aliquando sine ullo rei publicae detrimento respicio etiam salutem cum meam tum meorum, certe non modo non sum reprehendendus, sed etiam, si ruere vellem, boni viri me ut id ne facerem rogarent; res vero ipsa publica, si loqui **92**
posset, ageret mecum, ut, quoniam sibi servissem semper, numquam mihi, fructus autem ex sese non, ut oportuisset, laetos et uberes, sed magna acerbitate permixtos tulissem, ut iam mihi servirem, consulerem meis: se non modo satis habere a me, sed etiam vereri ne parum mihi pro eo, quantum a me haberet, reddidisset. quid? si horum ego nihil cogito, **93**

et idem sum in re publica, qui fui semper, tamenne libertatem requires meam? quam tu ponis in eo, si semper cum eis, quibuscum aliquando contendimus, depugnemus; quod est longe secus: stare enim omnes debemus tamquam in orbe aliquo rei publicae, qui quoniam versatur, eam deligere partem, ad quam nos illius utilitas salusque converterit. XXXIX ego autem Cn. Pompeium, non dico auctorem ducem defensorem salutis meae—nam haec privatim fortasse officiorum memoriam et gratiam quaerunt—, sed dico hoc, quod ad salutem rei publicae pertinet: ego eum non tuear, quem omnes in re publica principem esse concedunt? ego C. Caesaris laudibus desim, quas primum populi Romani, nunc etiam senatus, cui me semper addixi, plurimis atque amplissimis iudiciis videam esse celebratas? tum hercule me confitear non iudicium aliquod habuisse de utilitate rei publicae, sed hominibus amicum aut inimicum fuisse.

94 an, cum videam navem secundis ventis cursum tenentem suum, si non eum petat portum, quem ego aliquando probavi, sed alium non minus tutum atque tranquillum, cum tempestate pugnem periculose potius quam illi salute praesertim proposita obtemperem et paream? ego vero haec didici, haec vidi, haec scripta legi, haec de sapientissimis et clarissimis viris et in hac re publica et in aliis civitatibus monumenta nobis et litterae prodiderunt, non semper easdem sententias ab eisdem, sed, quascumque rei publicae status, inclinatio temporum, ratio concordiae postularet, esse defensas. quod ego et facio, Laterensis, et semper faciam, libertatemque, quam tu in me requiris, quam ego neque dimisi umquam neque dimittam, non in pertinacia, sed in quadam moderatione positam putabo.

95 XL Nunc venio ad illud extremum, in quo dixisti, dum Plancii in me meritum verbis extollerem, me arcum facere e cloaca lapidemque e sepulcro venerari pro deo: neque enim

mihi insidiarum periculum ullum neque mortis fuisse. cuius ego temporis rationem explicabo brevi neque invitus; nihil enim est ex meis temporibus, quod minus pervagatum quodque minus aut mea commemoratione celebratum sit aut hominibus auditum atque notum. ego enim, Laterensis, ex illo incendio legum iuris senatus bonorum omnium cedens, cum mea domus ardore suo deflagrationem urbi atque Italiae toti minaretur, nisi quievissem, Siciliam petivi animo, quae et ipsa erat mihi sicut domus una coniuncta et obtinebatur a C. Vergilio, quocum me uno vel maxime cum vetustas tum amicitia, cum mei fratris conlegia tum rei publicae causa sociarat. vide nunc caliginem temporum illorum: cum 96
ipsa paene insula mihi sese obviam ferre vellet, praetor ille, eiusdem tribuni plebis contionibus propter eamdem rei publicae causam saepe vexatus, nihil amplius dico nisi me in Siciliam venire noluit. quid dicam? C. Vergilio, tali civi et viro, benevolentiam in me, memoriam communium temporum, pietatem humanitatem fidem defuisse? nihil, iudices, est eorum, sed, quam tempestatem nos vobiscum non tulissemus, metuit ut eam ipse posset opibus suis sustinere. tum consilio repente mutato iter a Vibone Brundisium terra petere contendi; nam maritimos cursus praecludebat hiemis magnitudo. XLI cum omnia illa muni- 97
cipia, quae sunt a Vibone Brundisium, in fide mea, iudices, essent, iter mihi tutum multis minitantibus magno cum suo metu praestiterunt. Brundisium veni vel potius ad moenia accessi; urbem unam mihi amicissimam declinavi, quae se vellet potius exscindi, quam, e suo complexu ut eriperer, facile pateretur; in hortos me M. Laenii Flacci contuli, cui cum omnis metus, publicatio bonorum, exsilium, mors proponeretur, haec perpeti, si acciderent, maluit quam custodiam mei capitis dimittere; cuius ego et parentis eius, prudentissimi atque optimi senis, et fratris et utriusque filiorum manibus

in navi tuta ac fideli conlocatus eorumque preces et vota de meo reditu exaudiens Dyrrachium, quod erat in fide mea, petere contendi.

98 quo cum venissem, cognovi, id quod audieram, refertam esse Graeciam sceleratissimorum hominum ac nefariorum, quorum impium ferrum ignesque pestiferos meus ille consulatus e manibus extorserat: qui ante quam de meo adventu audire potuissent, cum tamen abessent aliquot dierum viam, in Macedoniam ad Planciumque perrexi. hic vero simul atque mare me transisse cognovit— audi, audi atque attende, Laterensis, ut scias quid ego Plancio debeam confitearque aliquando me quod faciam et grate et pie facere: huic [autem], quae pro salute mea fecerit si minus profutura sint, obesse certe non oportere—: nam simul ac me Dyrrachium attigisse audivit, statim ad me lictoribus dimissis, insignibus abiectis, veste mutata profectus est.

99 o acerbam mihi, iudices, memoriam temporis illius et loci, cum hic in me incidit, cum complexus est conspersitque lacrimis nec loqui prae maerore potuit! O rem cum auditu crudelem tum visu nefariam! o reliquos omnis dies noctesque eas, quibus iste a me non recedens Thessalonicam me in quaestoriumque perduxit! hic ego nunc de praetore Macedoniae nihil dicam amplius nisi eum et civem optimum semper et mihi amicum fuisse, sed eadem timuisse quae ceteros: Cn. Plancium fuisse unum, non qui minus timeret, sed, si acciderent ea, quae timerentur, mecum ea subire et perpeti vellet.

100 qui, cum ad me L. Tubero, meus necessarius, qui fratri meo legatus fuisset, decedens ex Asia venisset easque insidias, quas mihi paratas ab exsulibus coniuratis audierat, ad me animo amicissimo detulisset, in Asiam me ire propter eius provinciae mecum et cum meo fratre necessitudinem comparantem non est passus: vi me, inquam, Plancius et complexu suo retinuit multosque mensis a capite

meo non discessit abiecta quaestoria persona comitisque sumpta.

XLII O excubias tuas, Cn. Planci, miseras! o flebilis 101
vigilias! o noctis acerbas! o custodiam etiam mei capitis infelicem! si quidem ego tibi vivus non prosum, qui fortasse mortuus profuissem. memini enim, memini neque umquam obliviscar noctis illius, cum tibi vigilanti, adsidenti, maerenti vana quaedam miser atque inania falsa spe inductus pollicebar: me, si essem in patriam restitutus, praesentem tibi gratias relaturum: sin aut vitam mihi fors ademisset aut vis aliqua maior reditum peremisset, hos, hos—quos enim ego tum alios animo intuebar?—omnia tibi illorum laborum praemia pro me persoluturos. quid me aspectas? quid mea promissa repetis? quid meam fidem imploras? nihil tibi ego tum de meis opibus pollicebar, sed de horum erga me benevolentia promittebam: hos pro me lugere, hos gemere, hos decertare pro meo capite vel vitae periculo velle videbam: de horum desiderio, luctu, querellis cotidie aliquid tecum simul audiebam: nunc timeo ne nihil tibi praeter lacrimas queam reddere, quas tu in meis acerbitatibus plurimas effudisti. quid enim possum aliud nisi maerere, 102
nisi flere, nisi te cum mea salute complecti? salutem tibi eidem dare possunt, qui mihi reddiderunt. te tamen—exsurge, quaeso—retinebo et complectar, nec me solum deprecatorem fortunarum tuarum, sed comitem sociumque profitebor; atque, ut spero, nemo erit tam crudeli animo tamque inhumano nec tam immemor non dicam meorum in bonos meritorum, sed bonorum in me, qui a me mei servatorem capitis divellat ac distrahat. non ego meis ornatum beneficiis a vobis deprecor, iudices, sed custodem salutis meae: non opibus contendo, non auctoritate, non gratia, sed precibus, sed lacrimis, sed misericordia; mecumque vos simul hic miserrimus et optimus obtestatur parens et pro uno filio duo

103 patres deprecamur. nolite, iudices, per vos, per fortunas vestras, per liberos vestros, inimicis meis, eis praesertim, quos ego pro vestra salute suscepi, dare laetitiam gloriantibus vos iam oblitos mei salutis eius, a quo mea salus conservata est, hostis exstitisse: nolite animum meum debilitare cum luctu tum etiam metu commutatae vestrae voluntatis erga me: sinite me, quod vobis fretus huic saepe promisi, id a
104 vobis ei persolvere. teque, C. Flave, oro et obtestor, qui meorum consiliorum in consulatu socius, periculorum particeps, rerum, quas gessi, adiutor fuisti, meque non modo salvum semper, sed etiam ornatum florentemque esse voluisti, ut mihi per hos conserves eum, per quem me tibi et his conservatum vides. Plura ne dicam, tuae me etiam lacrimae impediunt vestraeque, iudices, non solum meae, quibus ego magno in metu meo subito inducor in spem, vos eosdem in hoc conservando futuros, qui fueritis in me, quoniam istis vestris lacrimis de illis recordor, quas pro me saepe et multum profudistis.

NOTES

§§ 1—4. **Exordium**

§ 1. *Rejoiced as I was to see Plancius so warmly supported, when he was a candidate for the aedileship, by many loyal and respectable citizens, who remembered how kindly he befriended me during my exile in Macedonia, I am more grieved and annoyed to think that so many of my own personal enemies and opponents should now take part against him in this trial, simply and solely because of the kind reception he then gave me.* § 2. *I am, however, reassured by seeing in those who have to try the case men who have given ample proof of their affection for me, and to whom I owe an everlasting debt of gratitude for their sympathy with my troubles, and from whose goodwill toward myself I augur the best for my client. Indeed I am more surprised at an old friend like Laterensis undertaking this case than afraid of your supposing he has done so on adequate grounds.* § 3. *Not that these services of Plancius ought to give him a general claim to exemption from punishment, if he can be proved to deserve it. I hope to convince you of my client's claim to your respect on account of his many virtues independently, before I appeal to your kind consideration of his case in return for the compassion he bestowed upon myself in my reverse of fortune.* § 4. *The case presents special difficulties, chiefly on account of the course pursued by my opponents, in attacking myself indirectly through Plancius and pretending that his services towards me have been overstated or overrated, so that I have to vindicate my own conduct as well as that of my client.*

CHAPTER I

P. 1, § 1, l. 2. in mea salute custodienda] See Intr. § 1, and cf. § 98, ep. ad fam. XIV 1 § 3, ad Att. III 14 § 22.

tam multos et bonos viros] 'so many well-disposed men,' § 12 l. 20, § 15 l. 29. Mark the antithesis between (1) *tam multos et bonos viros esse fautores* and *meos partim inimicos, partim invidos accusationi esse fautores;* (2) *capiebam voluptatem* and *dolebam;* (3) *viderem* and *audirem.*

l. 3. eius honori esse fautores] 'seconded his elevation to an office of state.' For this sense of *honor*, cf. § 19 l. 29, § 23 l. 6, § 24 l. 10, § 29 l. 19, § 73 l. 24. *Fautores esse=favere* and takes the same construction: cf. or. p. Scauro p. 24 ed. Mai 2 (§ 17 ed. Orelli Vol. IV p. 958 ed. 2) *deorum immortalium nomen implorare potero, qui semper extiterunt huic generi nominique fautores*, epist. fam. 12, 25, 3 *consiliorum auctor dignitatique fautor.* When followed by the genitive, its meaning is 'guardian,' 'well-wisher'; by the dative, 'adherent,' 'partisan.'

l. 4. officium] 'friendly service,' which imposes on me an obligation to repay it. **saluti**, 'a cause of safety,' the predicative dative after *fuisset*, see Roby Gr. II p. lii and § 1158.

l. 5. meorum temporum memoriam suffragari] 'populum Romanum mea tempora, id est exilium, recordantem favere.' W. Cic. frequently uses *tempus*, *tempora* in speaking of his banishment, fall and sufferings, as below § 95, or. p. Sest. § 123 *neque poetae tempori meo defuerunt*, ep. ad fam. I 6 § 2 *recordatio meorum temporum.* See n. on de off. III § 93 l. 33. *Suffragari* means lit. 'to vote for,' hence transf. 'to favour, be of use to, recommend,' cf. de off. I § 138 l. 15 *domus suffragata domino ad consulatum putabatur.*

l. 6. meos inimicos—invidos] 'my foes'—'my detractors.' Adjectives used substantively are more frequent in the second than in the third declension; in concrete sense more in the plural, in the abstract more in the singular, and when as neuter nouns, then more in the cases which may be recognised as neuter. The plural adjective masc. gend. is also joined to adjectives, pronouns and participles. Zumpt Gr. § 410, Madvig Gr. § 247 n. 1. Cp. below § 57, ep. ad fam. I 4 § 2 *a tuis invidis atque obtrectatoribus*, II 9 § 3 *ultorem non modo inimicorum sed etiam invidorum meorum*, VII 2 § 3 *non nullis invidis meis*, I 9 § 15 *spem fefelli non modo invidorum sed etiam inimicorum meorum*, or. p. Balbo § 56 *ut omnium malevolorum, iniquorum, invidorum animos frangeremus.* So *iniquus* § 40, ep. ad fam. XI 27 § 7 *contra iniquos meos*, Aul. Gell. n. a. X 26 *Asinio Pollioni in quadam epistula, quam ad Plancium scripsit, et quibusdam aliis C. Salusti iniquis dignum nota visumst*, Nägelsb. § 25 b 4, ed. 7. Q. Cic. de pet. cons. XIV 57 *si nostros benevolos ad summum studium excitamus*, Plaut. Trin. V 2, 24 *communis meus et tuus benevolens*, and so in the superlative or. Verr. II 5 § 177 *omnibus iniquissimis meis*, or. Phil. II § 41 *sui amicissimi*, ib. § 42 *tui familiarissimi*, ep. ad fam. XIII 27, 2 *unus est ex meis familiarissimis atque intimis maxime necessarius*, ep. ad fam. VII 10, 2 *an vero sapientissimus vir familiarissimis suis succensuit?* ep. ad Att. IV 16, 1 *in intimis est meis.* So in Greek, Xen. Anab. III 2, 5 *πρὸς τοὺς ἐκείνοι ἐχθίστους.*

l. 8. in iudicio] i.q. apud iudices: **in petitione**=apud populum Romanum.

l. 9. dolebam si—texisset] This passage is quoted by A. Gellius n. a. IX 12 § 5 to illustrate the passive use of *infestus.* For the use of

si after verbs of emotion, cf. Liv. II 28 § 2 *indignatione patrum si invidiam eius rei consules ad senatum reicerent*, Dräger *H. S.* § 552.

l. 10. **infestior**] 'more insecure,' 'endangered,' the primary meaning of the word; Liv. II 49 *sua tuta omnia, infesta hostium*, or. p. Rosc. Am. § 30 *filii vita infesta*, or. Philipp. XII § 25 *si me huic itineri tam infesto tamque periculoso commisero*, or. de pr. cons. § 4 *via excursionibus barbarorum infesta*, ep. ad fam. II 10, 3 *ad infestissimam Ciliciae partem*, p. Cael. § 10 *tempus aliorum libidine infestum*.

§ 2, l. 12. **vester conspectus et consessus iste**] 'your presence and the court before me.' For *conspectus* 'sight' in the passive sense, i.e. 'assembly before my eyes,' cf. or. Verr. II 1 § 19 *quis fuit...qui non conspectu consessuque vestro commoveretur*, or. pro leg. Man. § 1 *frequens conspectus vester multo iucundissimus*, and for *consessus*, below § 46 *consessum meorum iudicum*.

l. 13. **reficit et recreat**] 'refreshes and revives:' or. p. Mil. § 2 *me recreat et reficit Cn. Pompei consilium*. *Reficere* is 'to repair,' 'refit,' as *naves, aedes labentes*; 'to support,' as *reficere cibo aliquem*: *recreare*, 'to revive,' 'restore to life,' 'as *e gravi morbo, vocem, afflictos, perditos*. The combination of the two synonymous verbs serves the purpose of a strengthening adverb, adding force to the idea conveyed by the two, as in the next clause *intueor et contemplor*, 'I look at with interest,' see n. to § 13 l. 5, § 79 l. 32. Cp. fam. VI 10 *reviviscere et recreari*.

l. 15. **hoc in numero**] i.q. in horum numero: see n. on de off. I § 3 l. 10. **cui non—fuerit**] The clause is subjunctive because it contains a dependent consequence, 'no one...such that.' Kenn. Gr. § 96 1 a), § 206 B).

l. 16. **exstet**] § 81 l. 18 n.

summum meritum] i.q. *beneficium* below, proof of favour in that they, who are now sitting as jurors in this case, once voted in the comitia for my restoration from exile.

l. 17. **beneficii**] i.e. beneficium illud unicum singulare eximium restitutionis in patriam; cf. pro Sest. § 2 *commemorando eorum qui de me optime meriti sunt beneficio*. For *obstrictus* cf. § 72 l. 2, § 73 l. 16.

non extimesco cet.] 'I do not much fear, lest Plancius' case should be prejudiced by the watchfulness he showed for my safety in the judgment of those etc.'

l. 18. **apud eos**] i.e. apud iudices=Gr. παρὰ τοῖς δικασταῖς Dem. adv. Lept. § 28 etc. **obsit**] cf. or. p. Balb. § 63 *quae quidem si huic offuerint apud vos*.

l. 19. **salvum**] sc. reversum in patriam.

l. 20. **admirandum**] 'matter for surprise,' 'astonishing.'

l. 21. **studiosissimum—salutis meae**] cf. § 73 l. 18 ff. and Introd. § 6.

P. 2, l. 2. id—fecisse] sc. *reum hunc delegisse.* On this vicarious use of *facio* cf. § 48 l. 14, § 77 l. 32, § 91 l. 27, and see n. on de off. I § 1 l. 7.

magna ratione] 'on valid grounds,' 'for cogent reasons,' i.e. 'sperans fore, ut vos eo facilius Plancium damnaretis, quo inimiciores mihi essetis.' W. On the use of *magnus* to increase the force of the idea conveyed by the substantive to which it is joined, see Nägelsb. lat. Stil. § 70 and cf. Sext. Rosc. 40 *sine causis multis et magnis*, and on the omission of *magis* or *potius*, cp. ep. Att. 12, 37, 3, Sall. Cat. 48, 5.

§ 3, l. 3. quamquam—non] adverbial, as a corrective particle, limiting a preceding statement, 'however—not,' 'and yet—not,' 'not indeed—that.' See Kenn. Gr. § 226 III 4, Zumpt Gr. § 341, Roby Gr. II 2215, Madv. Gr. § 443, my n. on de off. I § 76 l. 17, II § 43 l. 1.

mihi non sumo tantum—ut putem] 'I do not take upon myself or presume so much as to fancy that because of his services to myself he has won a title to exemption from all prosecutions.' *Sumo* is properly 'to take from its place and choose for one's self,' hence (2) 'to take something which one had not before,' e.g. *togam virilem*, and (3) 'to take what does not belong to one,' e.g. Caes. B. G. II 4 *uti magnos spiritus in re militari sumerent pecunia a privatis sumpta*, B. C. III 103. Hence (4) *sumere sibi aliquid* 'to presume upon something,' div. in Q. Caec. § 16 *verum id mihi non sumo*, or. pr. Sull. § 84 *quid ergo? 'hoc tibi sumis' dicet fortasse quispiam.*

l. 4. impunitatem consecutum] ep. ad fam. I 9 § 15 *impunitatem est illorum sententiis adsecutus.* Cic. makes the same profession in or. p. Mil. § 6 *quamquam in hac causa, iudices, T. Annii tribunatu rebusque omnibus pro salute rei p. gestis ad huius criminis defensionem non abutemur.*

l. 6. continentiam] 'self-control,' 'the bridling of one's passions and desires,' Gr. ἐγκράτεια, de off. II § 78 n., cp. Verr. II 4 § 115 *conferte huius libidines cum illius continentia.*

l. 7. innocentiam] 'purity,' 'disinterestedness.'

nihil de poena recusabo] 'I shall not protest against his being punished.' *Recusare* (*causa*) is to 'allege reasons against,' hence 'to take exception to,' 'be reluctant;' in iuridical language the prosecutor (*petitor*) before the praetor was said *postulare* 'to demand a writ,' the defendant (*rem*) *recusare* 'to protest against,' 'plead in defence.'

l. 8. praestitero]=inesse in eo demonstravero, 'make good,' 'prove that he has all the qualities that are to be looked for in good men,' not, as Long takes it, 'if I shall prove everything that honest men can require.' The expression *aliquid ab aliquo exspectare* is a favourite one of Cicero, cf. ep. ad fam. XI 5, 3, III 10, 1; 12, 4.

l. 10. me deprecante] 'at my intercession,' see n. to § 102 l. 30.

l. 12. adsumo]=insuper suscipio, 'take upon myself this additional trouble,' ep. ad fam. I 9, 17, ad Att. II 19. **l. 15. de re**= *de causa.* Cf. Verr. V 113 *cum tua res ageretur*, p. Mur. 58 *rem illam iudicabant*, p. Flacc. 25 *cum L. Flacci res agatur.*

CHAPTER II

§ 4, l. 16. **quamquam**] = καίτοι 'and yet,' § 3 l. 3, § 35 l. 28, § 53 l. 4.

l. 17. **ita ut id ab hoc seiunctum sit**] 'without his being involved in it,' if there is any matter for blame in me from which he is free. On *ita—ut* 'so far—as that' in a restrictive sense, cp. Mayor on Phil. II § 85 l. 5, Cic. de off. I § 88 II § 33 with notes *ad l.*, Kenn. Gr. § 205, Roby Gr. II 1704, Key Gr. § 1451 *b*. Observe that *hic* is the person defended by the speaker: the prosecutor would have called him *iste*.

l. 19. **nimium gratum**] i.q. gratum praeter modum, § 82 l. 25: cf. § 84 l. 20, or. p. Cluent. § 126 *nimium multi*, or in Cat. I § 11 *nimium diu*, ep. ad Att. XII 18 § 1 *nimium longus*.

l. 21. **agitata**] 'talked about, canvassed,' cf. or. p. Cluent. § 4, § 82, § 88. **ab illis**] by Plancius' prosecutors and opponents.

l. 23. **aut si essent summa—debere**] 'or, if ever so great, they (i.e. his services to myself personally) ought nevertheless to have no such great weight with you as I supposed they ought to have.'

l. 25. **ne quid ipse offendam**] 'ne quid ipse committam, quod reprehendi possit, si Plancii in me merita supra modum ecferam.' MANUTIUS

l. 26. **tum denique cum respondero criminibus**] 'not until I have replied to the special charges brought against him.' *Tum denique* nearly = *tum demum*, in Greek τότε δή, 'just precisely then,' cp. de sen. § 82 *quasi, cum excessisset e vita, tum denique victurus esset*, de legg. II § 10 *quae non tum denique incipit lex esse, cum scripta est*, Tusc. III § 75 *quae tum denique non appellabitur recens, cum vetustate exaruit*, Hand Turs. II p. 275. Cf. n. on § 50 l. 23.

nòn tam—quam—temporum] 'not so much by *his own* freedom from guilt, as by the recollection of *my* misfortunes.' On *temporum* see n. on § 1 l. 5, § 30 l. 30. The position of *sua* separated from the noun it agrees with by *reus* gives it greater emphasis.

§§ 5—35. First Part of the Speech

The case is straightforward enough but I am placed in an awkward dilemma, if I adopt the line of defence which the opposite side expect, because I have not only to speak against an old and valued friend but, what is more unpleasant, to institute a comparison between him and my client in respect to personal merits, seeing that Laterensis insists upon my showing what stronger claim Plancius had to the aedileship than himself, and so I must either admit the superiority of Laterensis' claim to the injury of my client, or else wound his susceptibilities (§§ 5, 6). *But it ought not to have been made a question of personal merit, for* (1), *even supposing Plancius to have been the less eligible candidate, it must be remembered that the choice of the electors does not always fall upon the worthiest candidate, the people are more often influenced*

by caprice than guided by sober judgment in voting, especially for one of the minor and comparatively unimportant state offices, and therefore sometimes pass over the worthiest candidate in favour of the less worthy. But whatever the verdict of the majority, it must be accepted as decisive and acquiesced in and not reversed; nor must the result be visited on the successful candidate (§§ 6—11).

§ 5, l. 29. **in causa facili**] 'notwithstanding its being a simple and straightforward case,' see n. on de off. II § 4 l. 17.

l. 30. **lubrica**] in opp. to *explicatus:* the latter is 'disentangled, plain and clear,' the former 'difficult and a cause of going wrong and stumbling.' Cf. *locus lubricus* de off. I § 65. 'Significat Cicero Plancium defendi vix posse nisi ut simul Laterensis, amici sui, animus offendatur.' W.

proponitur 'is threatened,' with the collateral idea of being pictured to the imagination. Cp. § 89, l. 28, ep. ad Att. II 19 § 1 *minae Clodi contentionesque, quae mihi proponuntur, modice me tangunt,* Q. Cic. de pet. cons. XIV 58 *si competitoribus iudicium proponimus,* 'if we hold up before the eyes of our rivals the prospect of the law courts.'

l. 32. **tamen id ipsum cet.**] 'yet even that would be an irksome, unpleasant, task in the case of cordial intercourse and friendship like ours,' 'considering our close intimacy.'

l. 33. **vetus est enim**] The particles *enim, autem, igitur,* which usually occupy the second place in the clause, after *est sunt* are usually placed third—(*a*) when, as here, the predicate stands first with *est* as *necesse est enim* Tusc. I § 9, *moriendum est enim* ib.—(*b*) when the subject stands first and the predicate follows, expressed by a relative clause as de nat. deor. II § 133 *ratio est enim, quae praestet omnibus,* de fin. I § 43 *sapientia est enim una, quae* cet.—(*c*) where the sentence begins with *non* (*neque*) *est* (*sunt*), whether the subject or predicate stands first, as Tusc. I § 46 *neque est enim ullus sensus in corpore*—(*d*) where either the demonstrative pronouns *hic, haec, hoc, is, ea, id* or the interrogatives *quis, quae, quid,* or the negatives *nullus, nemo, nihil,* begin the clause as subjects as Tusc. III § 31 *hic est enim ille vultus semper idem,* I § 22 *nihil est enim apud istos,* de sen. § 50 *nihil est enim appetentius,* ib. § 17. See Hand Tursell. II. p. 400—403, Madv. de fin. I § 43. Some critics think that this position of the particles makes *est* etc. more emphatic: others on the contrary that they are to be regarded as enclitics, and that stress is to be laid on the word which immediately precedes them.

vetus lex iustae veraeque amicitiae] 'long-established law of perfect and pure friendship.' On the meaning of *iustus* see my n. on de off. III § 108 l. 7, and for *verus* cf. de am. § 22. For the sentiment cf. Sall. Cat. c. 20 *idem velle atque idem nolle, ea demum firma amicitia est,* and Minucius Felix I § 3 with my note; also de Am. § 20.

P. 3, l. 3. **consensus—voluntatum**] i.e. *societas consiliorum* (cf. § 104 *socius consiliorum*) *et consensus voluntatum* by the figure *Chiasmus.* Cp. Plin. Ep. 4, 15, Quint. Decl. 307.

l. 4. **molestissimum]** i.e. quamquam molestum est. **multo illud magis]** sc. *molestum est*, cf. de off. III § 121 l. 10, or. in Cat. III § 13. Observe that the preceding *id* is emphatic.

l. 5. **in ea causa—in qua—videtur]** the relative having no consecutive force, because the preceding demonstrative is definite, takes the indicative. Kenn. Gr. p. 457.

l. 7. **contentio]** 'comparison' as in de off. I § 58, § 152, or. in Pis. § 51 *contentio fortunarum*, or. de imp. Pomp. § 36 *magis ex aliorum contentione* ('by a comparison with others') *quam ipsa per sese cognosci possunt*, p. Mur. § 11 *in contentione dignitatis*, ib. § 14.

§ 6, l. 8. **hoc uno maxime urget]** 'presses me most, drives me into a corner, with this particular question,' or *urget* may be used absolutely, as in § 48 l. 19, de off. III § 39 l. 2 where see note and orat. § 137 *ut interrogando urgeat*, 'in this one point he is most urgent.' On the common use of *unus* to strengthen superlatives see § 95 l. 10, § 97 l. 27, de off. III § 26 l. 7 n. **qua—superarit]** substantival clause, containing an indirect question, hence subjunctive.

l. 9. **ita]** 'consequently,' below l. 14 n.

si cedo illius ornamentis, cet.] 'if I give precedence to his (Laterensis') 'distinctions,' 'honourable attributes,' 'endowments,' (i.e. his *nobilitas, imaginum ius, splendor et vetustas familiae* § 12) I shall have not only to make a sacrifice of my client's worthiness (i.e. to admit that he is not so deserving as Laterensis), but also I must on behalf of my client allow the suspicion of bribery.' *Iacturam facere* is to 'throw part of a cargo overboard' in a storm, to lighten the ship and save the remainder (de off. I § 84 l. 24 n.), hence generally 'to sacrifice,' 'lose,' cf. de div. II § 34 *concedam hoc ipsum, si vis; etsi magnam iacturam causae fecero*, or. in Verr. III § 33 *patiatur eius reliqua vita me hanc tantam iacturam criminum facere.*

l. 12. **contumeliosa habenda est oratio]** 'I must deliver a vituperative speech.' *Contumeliosa* is 'disrespectful,' 'reproachful,')(*honorifica*, cf. ep. ad fam. V. 2 § 3 *dixisti orationem meam non solum in te honorificam sed etiam in collegas tuos contumeliosam fuisse*, Quintil. VI 3, 108 *seria partitur* (Domitius Marsus) *in duo genera honorificum, contumeliosum, medium. Hunc* of course refers to Plancius, *illi* to Laterensis.

l. 13. **quod ille me flagitat]** 'what he importunes me to say.' For the double accusative after *flagito* Wunder compares or. p. dom. § 14 *me frumentum flagitabant*, Caes. B. G. I 16, *Caesar Haeduos frumentum flagitare*, B. C. I 87 *Petreius atque Afranius cum stipendium ab legionibus flagitarentur.*

l. 14. **ita]** 'consequently,' see n. on de off. III § 35 l. 19, I § 10 l. 32. **existimatio offendenda est]** 'his reputation, character, credit, must sustain a shock.' Cf. ep. ad fam. III 8, 7 *hos ego sermones, quod tuam existimationem non offendunt, lacessivi numquam.*

l. 15. si illam accusationis condicionem sequar] 'if I follow the method of prosecution proposed by Laterensis,' i.e. examine the comparative merits of Plancius and Laterensis. On the meaning of *condicio* see § 11 l. 9 n. and Nägelsb. lat. Stil. p. 172 § 64, 1. Observe that *sequar* is future.

CHAPTER III

l. 17. caecum et praecipitem ferri] = temere et inconsulte versari, 'to rush blindly and rashly.' Both these adjectives are joined with *amens*, *demens* and *temerarius*. Cp. p. Sest. § 17.

l. 18. ab ullo] used substantively, as in Nat. d. III 5 *nec me—ullius umquam oratio movebit*, Tusc. V 37 *neque est ullum quod non ita vigeat etc.*, Liv. IX 31 *sine ullius praecepto*, ib. 34 *sine ullius assensu.*

l. 19. discedam ab ea contentione] 'I shall waive that comparison of personal merits to which you challenge me' or perhaps 'point of controversy:' see Nägelsb. lat. St. p. 134.

l. 20. ad illam] sc. qua non quid uterque virtute valeat, sed quibus rebus in comitiis aediliciis commendatus sit, disceptetur. KEIL *obs. cr.* p. 7.

§ 7, l. 21. quid?] sc. *ais, censes?* 'how?' a form of transition in rhetorical passages, followed immediately by the emphatic word of the clause, Zumpt Gr. § 769, Madv. Gr. § 479 d. *obs.* 1. The two sections 7 and 8 are included in brackets by Köpke after Campe as spurious. The expressions *quod ad populum pertinet, constituere, hoc totum agitur, quamquam, ianua* are objected to as unciceronian. Campe (Jahrb. für Phil. 95, 4 p. 265) includes in the same bracket the clause *itaque discedam.*

l. 23. in iis magistratibus] the praetorship and the consulate. The *leviora comitia* are those in which officers were chosen of comparatively less importance, such as the Aediles and Quaestors, here therefore = *comitia aedilicia* (§ 10, § 11 l. 11 ff.). Transl. 'and if it ever is (a judge of merit), it is so (only) in conferring those magistracies, to which it believes its safety is entrusted.'

l. 25. diligentia—petitorum] 'by their assiduity in canvassing,' *salutando, rogando, supplicando. Honos* is of course 'preferment,' 'state-office.'

l. 27. nam quod ad populum pertinet—qui aut invidet aut favet] 'for as to the public, one who is prejudiced or a hot partizan is a partial judge of merit;' consequently the public is a bad judge of merit.

l. 28. quamquam] above § 3 l. 3.

l. 29. nihil potes cet.] 'you cannot lay claim to any personal merit, which Plancius does not also possess.' **quod sit proprium laudis tuae]** 'which is properly commendable in you,' i.e. what you have done yourself or deserve for your own sake.

l. 30. quin id = ut non id, Kenn. Gr. p. 456 § 206 2) *c.*

§ **8**, l. **31**. **Sed**] analeptic, marking a return to the subject proper after a digression, cf. § 10 l. 32 n.

alio loco] see chapters VIII and IX.

l. **33**. **nec si a populo praeteritus cet.**] 'and it does not follow, if the candidate has been passed over by the people (i. e. defeated at an election), who ought not to have been so (passed over), that therefore the other who has not been passed over is to be found guilty by a jury.' For the omission of *idcirco* or *propterea* in this form of sentence cp. de nat. deor. I § 21 *non enim, si mundus nullus erat, saecula non erant*, see also Nägelsb. lat. Stil. § 185, 1, p. 518, and cp. below § 41 l. 31 n.

P. 4, l. 2. quod patres—tenere non potuerunt] i. e. constanter et perpetuo ut ius suum conservare (*Weiske*), 'a privilege which the Patricians, in the time of our ancestors, could not keep up,' viz. that of controlling the elections in the *comitia centuriata*. Every decree adopted by the centuries in their comitia in the case of elections or any other matter was submitted for confirmation or rejection to the convention of the patricians (*patres*) i.e. the full burgesses as distinguished from the *conscripti*—such as appointed the first interrex. See Mommsen Hist. of Rome *Engl. transl.* Book II ch. I. Cf. de rep. II § 56 *quodque erat ad optinendam potentiam nobilium vel maximum, vehementer id retinebatur, populi comitia ne essent rata, nisi ea patrum adprobavisset auctoritas*, Brut. § 55 *M. Curium* (*possumus suspicari disertum*), *quod is tribunus plebis interrege Appio Caeco diserto homine comitia contra leges habenti, cum de plebe consulem non accipiebat, patres ante auctores fieri coëgerit: quod fuit permagnum nondum lege a Maenia lata*, Liv. I 17 § 9, VI 42, VIII 12 § 15, Sallust in speech of C. Licinius Macer p. 174 (ed. Orelli 1840) *virilia illa quo modo—libera ab auctoribus patriciis suffragia maiores vestri paravere*.

l. **3**. **quod—ut reprehensores essent comitiorum**]=ut comitia irrita facerent, 'the privilege of setting aside the result of an election.' The *ut*-clause serves to expand the relative pronoun, to which it stands in apposition: see Kenn. Gr. § 195, p. 440.

l. **4**. **vel quod multo etiam minus esset ferendum**] is to be explained from what follows: iudices vel haberent quod senatus olim tenere non potuit, ius scilicet eos, qui a populo creati essent, reiciendi, vel haberent id, quod ut pote maius multo minus esset ferendum, potestatem scilicet eum, qui creatus sit, non solum reiciendi, sed etiam condemnandi i.e. exitium parandi. WUNDER

l. **5**. **tum enim magistratum non gerebat is cet.**] 'the right of the patrician senators to confirm or reject the decrees of the centuries—a right, which in all probability it rarely ventured to exercise—was so far withdrawn from it by the Publilian law of A.U.C. 415=B.C. 339, that it had to confirm *beforehand* every resolution of the centuries. Cp. Liv. VIII 12, 15 *ut legum, quae comitiis centuriatis ferrentur, ante initum suffragium patres auctores fierent;* the same rule was extended to elections at a later period by the Maenian law of B.C. 286.

4—2

l. 7. **exitio**]=damnatione. See crit. n., and cf. or. p. Rosc. Am. § 149 *qui quantum possent in salute alterius quam in exitio mallent ostendere.*

Saepenumero *iudices* et *senatus populo Romano* tamquam pars civitatis ceterae civitati opponuntur, ita tamen ut tum nomine *populi Romani* semper maiestas populi significetur (cf. or. in Verr. I § 2, § 42, § 43, § 44, § 47, § 51, II 4 § 81): simplici autem *populi* nomine inferior civium pars omninoque ea significatur multitudo, in qua nec consilium sit nec ratio nec discrimen nec diligentia. Itaque in toto huius orationis initio a c. 3 § 7 usque ad c. 7 § 17, in quo de imperita civium multitudine, quae dignitatis iudex esse non possit, exponit Cicero, semper solum *populi* nomen posuit, excepto hoc ipso loco, de quo agitur, et c. 5 § 13 l. 11. *W.* Cf. or. p. Sest. § 103, de am. § 41.

l. 8. **qua nolui ianua**] 'though I have entered on the cause by a door by which I did not wish to enter,' viz. by comparing the merits of Plancius and yourself. *Ianua*=*aditus* or. p. Ligar. § 17, *introitus* or. p. Cael. § 3. Cf. p. Mur. § 33 *eam urbem Asiae ianuam fore.*

l. 9. **videor**] sc. mihi.

tantum afuturam cet.] 'that I shall be so far from incurring the least suspicion of wounding your susceptibilities in my speech, that I rather rebuke you for submitting your own merits to an uncertain ordeal, than attempt to speak at all disparagingly of them myself.'

CHAPTER IV

§ 9, l. 13. **continentiam—innocentiam**] § 3 l. 5.

l. 15. **fractos cet.**] observe the climax: 'paralysed, thrown away and rejected with disdain.'

l. 17. **me dius fidius**] 'by the god of truth,' 'most assuredly.' *Deus Fidius* was an old Latin god, identical with the Sabine Semo Sancus.

l. 19. **gravius de te iudicatum putarem cet.**] 'I should regard their judgment on you as more weighty than this judgment, as *you* are afraid it should be considered, of the people, for the people does not alway act as judge at the comitia but etc.' See cr. n.

l. 22. **facit eos**] i.e. creat illos magistratus, 'elects,' § 14 l. 24, § 15 l. 3, or. p. Mur. § 18 *quaesturam una petiit et sum ego factus prior*, ib. § 45, § 50, ep. ad fam. II 9.

l. 23. **maxime ambitus**] 'most solicited,' 'canvassed.'

l. 24. **impetu**] 'impulse,' 'caprice')(*dilectus*, 'deliberate choice,' as *sapientia* is)(*temeritas.*

l. 26. discrimen] in a subjective sense 'discrimination,' 'discernment,' Germ. 'Unterscheidungsgabe,' a meaning which I do not find given in the dictionaries, s. Nägelsb. lat. Stil. p. 54. **diligentia**] i.e. in examinandis cuiusque meritis. MANUTIUS

l. 27. ea quae populus fecisset] 'the acts of the people generally.' For the tense cf. Madvig Gr. § 383, Kenn. Gr. p. 483, Cic. de off. II § 1 l. 1.

ferenda] 'to be put up with.'

l. 29. culpam—accusas] rara locutio. Set ita etiam Quinctilian. XI 1, 81. *Culpa nunc rem, quae ponitur in culpa, significat.* Sic or. p. Rabir. Post. II 4 *in paternae culpae similitudinem deductus est.* Adde or. p. Sest. § 80 *ubi est crimen, quod reprehenditis*, or. pro Ligar. I § 2 *itaque prius de nostro delicto confiteamini necessest, quam Ligarii ullam culpam reprehendatis.* W.

accusas]=reprehendis, vituperas, cf. de off. II § 53 l. 32, III § 90 l. 32.

§ 10, l. 30. ut fueris] 'granting that, even suppose that you were,' below § 62 l. 33, Kenn. Gr. p. 339, Madvig Gr. § 440 a *obs.* 4, Zumpt Gr. § 341, Roby Gr. II § 1706. **de quo ipso**] 'a point, however, about which I shall presently argue with you without compromising your merits.' On *ita—ut* see above § 4 l. 17.

l. 31. paulo post] see chapters VIII and IX.

l. 32. sed] 'but, as I wished to say,' 'be that as it may,' § 8 l. 31, Madv. Gr. § 480, Zumpt Gr. § 739.

l. 33. in culpa est] 'is in fault,' 'is to blame.' Cf. de off. I § 23 *in vitio est*, ib. § 62 l. 20, ib. § 47 *in officio est.*

P. 5, l. 1. primum] The corresponding clause is introduced by *autem* instead of the more usual *deinde*, see on de off. I § 44 l. 27, § 100 l. 13. **studium**]=studium partium, 'party-spirit.' So Liv. XXIV 28 *quo minus cupiditatis ac studii visa est oratio habere, eo plus auctoritatis habuit.* *Esse* in pregnant sense='exists,' 'prevails.'

l. 2. eblandita] passive=blanditiis clam impetrata 'obtained by persuasion and flattery,' lit. 'coaxed out.' For a list of deponent participles used passively see Roby Gr. II § 734.

enucleata] lit. 'got out of their husk and covering,' hence 'genuine,' 'unadulterated,' i.e. given from pure conviction, free from impure motives, =*enucleate lata*, Nägelsb. lat. Stil. p. 282. '*Enucleare* proprie est *nucleum a putamine extrahere.* Iam translata notione, qua maxime usurpatur, nihil aliud significare nec solet nec potest, nisi *rem tegumento* vel *involucro quo obducta est liberare*, rem aperire reiectis iis quae quominus pateret impedimento erant, rem planam et apertam facere, ut ab omnibus vel conspici tota vel intellegi possit. Suffragia igitur *enucleata* sunt aperta i.e. eiusmodi, quae mentis eorum, qui tulerunt, aperiunt, ita ut, ob quam causam lata sint, cuique pateat.' W.

l. 5. **sin autem mavis esse iudicium**] 'but if you prefer considering it a deliberate judgment.' On *sin autem*, without another conditional statement preceding, to which it is in opposition (as in § 101), see Madv. Gr. § 442 b, Roby Gr. II § 1563, Zumpt Gr. § 342: so *sin* alone is used § 15 l. 3. Cp. Cic. de off. I § 123. Wunder however correctly observes that though the preceding clause does not actually contain *si*, it should do so by implication. For another and different use of *sin autem* see de off. III § 55 l. 13.

§ **11**, l. 6. **male iudicavit populus—non debuit—non fero**] These answers are put in the mouth of Laterensis.

l. 9. **condicio**] 'situation,' 'position,' 'privilege.' Cf. or. p. Cael. § 22 *contra periculosas hominum potentias conditioni omnium civium prospicere.* **huius principis populi**] 'this the chief people and ruler of the world.'

l. 11. **nostrum est autem**] On the position of *autem* see note to § 5 l. 33.

l. 12. **qui—iactemur**] subjunctive in causal clause, 'it is the business of men like us, since we are exposed to the popular tempest and ocean, to be content with what the people choose.' Since we are exposed to the storm, we must make the best of it. *Long.* The metaphor is one of frequent occurrence in both Greek and Latin; as de rep. I § 1 (of Cato Censorius) *maluit in undis et tempestatibus iactari, quam in otio tranquillissime vivere:* so *iudicii procella* or. p. Sest. § 140, *reipublicae navem fluitantem in alto tempestatibus seditionum ac discordiarum* ib. § 46, § 101, p. Mil. § 5, p. Mur. § 35.

CHAPTER V

The grounds upon which Plancius was chosen rather than Laterensis put into the mouth of the public. Laterensis had been too remiss in his canvass, relying on the pride of his birth: but he is not the only instance of men of high family pretensions having been defeated in a popular election by men of mean extraction and even of inferior ability. Moreover he went as quaestor to Cyrene, thus keeping away from Rome when his services were much needed: and gave up his canvass for the tribunate of the plebs at a great political crisis, which raised doubts as to his public spirit or capacity. If he wishes to serve the state, he may still be aedile, even if he take no pains about his canvass, but if he aspires as he ought to do to the higher state offices, he must take more trouble than he has hitherto done to obtain the popular vote by ingratiating himself with his electors (§§ **12—14**).

§ **12**, l. 16. **Venio iam ad**] a formula used in passing from one topic to another, cp. § 36 l. 12, § 95 l. 31, Verr. II 4 § 1 *venio nunc ad istius—studium*, de rep. III § 45 *venio nunc ad tertium genus illud.*

partis] 'the rôle' which the people has played. As an Optimate, Cic. does not choose to pose as *popularis*, and therefore speaks in the name of the people, in vindication of their choice.

l. 17. **qui si tecum cet.**] a masterly application of the oratorical trick or figure called *conformatio* (ad Herenn. IV 53, 66) or *prosopopoeia*, i.e. *personarum ficta inductio* (de orat. III § 205), which is reckoned one of the *lumina orationis*. For other instances see or. in Cat. I § 18, § 27, Tusc. II § 46, de fin. IV § 61, or. p. Cael. § 33, Div. in Q. C. 9.

l. 20. **beneficium**] 'patronage.' Cp. Verr. V § 180 where Cicero speaks of the chief magistracies as *beneficia populi Romani*, and de am. § 96 *cooptatio collegiorum ad populi beneficium transferebatur*, or. ad Qu. p. red. § 16, or. p. Sest. § 74 l. 30.

l. 21. **contenderat**] sc. *beneficium*, 'had earnestly sought for it,' cp. Verr. II § 131 *hic magistratus a populo summa ambitione contenditur*, or. p. Quinct. § 77, or. p. Flacc. § 14.

l. 22. **splendore et vetustate familiae**] cf. § 6 l. 9: *splendor* was a term constantly applied to the equites, as *amplitudo* was to senators, cf. or. p. Sest. § 137.

l. 23. **ambiendum**] may be taken impersonally, or personally if *populum* be understood as the subject.

at vero] 'but then.' **ille**] sc. populus.

l. 26. **M. Seium**] a rich Roman knight, a friend of Cicero and Atticus, who was quaestor along with Q. Hortensius in the year of Sulla's second consulship B.C. 80. In a time of great scarcity during his aedileship (B.C. 74) he is said to have supplied the people with corn for a very small sum, and the credit which he thus obtained served to retrieve the disgrace (*invidia*) which he had previously fallen into for some unknown offence here alluded to, cf. de off. II § 58 l. 11 *ne M. quidem Seio vitio datum est quod in caritate asse modium populo dedit. Magna enim se et inveterata invidia nec turpi iactura, quando erat aedilis, nec maxima liberavit*, Plin. nat. hist. XV 1 *anno sexcentesimo octogesimo M. Seius L. f. aedilis curulis olei denas libras singulis assibus praestitit populo Romano per totum annum.*

incolumem a calamitate iudicii] damnatus enim partem suarum fortunarum amisit, quae censum equestrem, qui quadringenta milia nummum erat, imminuit, ut inter equites Romanos deinceps censeri non potuerit. Ideo dixit Horat. Ep. I, 1, 57 *si quadringentis sex septem milia desunt, plebs eris.* MANUTIUS

l. 28. **M. Pisoni**] M. Pupius Piso Calpurnianus, who was an unsuccessful candidate for the Aedileship (§ 51), was consul A.U.C. 693 = B.C. 61 with M. Valerius Messala Niger. Adopted by M. Pupius in his old age (pro dom. § 35), he still retained his family name Piso, so that the additional name Calpurnianus, which marked the *gens* out of which he had passed (cf. Ramsay Rom. Ant. p. 62) was unnecessary. He held the quaestorship A.U.C. 671 = B.C. 83 under the consul L. Cornelius Scipio, whom he deserted for the party of Sulla (Verr. II 1, 14). In A.U.C. 685 = B.C. 69 he enjoyed the honour of a triumph after being Proconsul in Spain (or. in Pis. § 62, or. p. Flacco § 6). In his 27th year Cicero was taken to him by his father to receive instruction in oratory, on the character of which see Brut. § 236, and on his de-

votion to philosophy de orat. I § 104, de nat. deor. I § 16. When consul (B.C. 61) he had given offence to Cicero by protecting Clodius after his violation of the mysteries of the Bona dea. The analysis of his character which Cic. gives in his letter to Att. I 13, 3 forms an amusing contrast to the terms in which he is spoken of here: *consul ipse parvo animo et pravo, tantum cavillator genere illo moroso, quod etiam sine dicacitate ridetur, facie magis quam facetiis ridiculus* ('he makes people laugh not by the force of his expression but by the expression of his face'), *nihil agens cum re p., seiunctus ab optimatibus, a quo nihil speres boni rei publicae, quia non vult; nihil metuas mali, quia non audet.*

l. 29. **Q. Catulo**] Q. Lutatius Q. F. Catulus, the father, who was the colleague of Marius in his fourth consulship, B.C. 102, and gained a victory with him over the Cimbri near Vercellae: he was included in the Marian proscription B.C. 87, and, escape being impossible, put an end to his life (de orat. III § 9, de nat. d. III § 80, Tusc. V. § 56). He is frequently spoken of by Cicero with praise, or. p. Rabir. perd. § 21 *Catulus pater, in quo summa sapientia, eximia virtus, singularis humanitas fuit*, or. p. Fonteio § 33. He was an accomplished Greek scholar, and famed for the grace and purity with which he wrote his own language (de orat. II § 28, III § 29, Brut. § 132) *multae litterae, summa non vitae solum atque naturae, sed orationis etiam comitas, incorrupta quaedam Latini sermonis integritas: quae perspici cum ex orationibus eius potest, tum facillime ex eo libro, quem de consulatu et de rebus gestis suis conscripsit molli et Xenophonteo genere sermonis*, ib. § 259. He is introduced in the *de oratore*, as accompanying his half-brother C. Julius Caesar Strabo (§ 108 l. 5) to the Tusculanum of Crassus. He was an unsuccessful candidate for the consulship three times, being defeated first by C. Atilius Serranus A. U. 648=B.C. 106, the year of Cicero's birth; secondly by Cn. Manlius A. U. 649=B.C. 105, cf. or. p. Mur. § 36 *quis Q. Catulum, humanitate, sapientia, integritate antecellentem, a Cn. Manlio (superari posse arbitratus est)?*; thirdly by C. Flavius Fimbria, consul with C. Marius for the second time A. U. 650=B.C. 104. **summa in familia nato**] The *Lutatia gens* was one of the great plebeian *gentes*; its first distinguished member was C. Lutatius Catulus cos. B.C. 242, the last year of the first Punic war. It included several *familiae*; those we know of are the Catuli, Cercones, and Pinthiae.

l. 30. **sanctissimo viro**] 'a most conscientious man,' cf. § 27 l. 19, § 32 l. 27.

C. Serranum] Gaius Atilius Serranus, cos. B.C. 106, the year of Cicero and Pompey's birth (Aul. Gell. XV 28). He was one of the senators who took up arms against Saturninus B.C. 100 (or. p. Rabir. § 21). The Atilia gens was both patrician and plebeian. The first member of it who obtained the consulship was M. Atilius Regulus in B.C. 335. See n. to or. p. Sest. § 72.

l. 31. **enim** gives the reason for *non dico*: **tamen** introduces the antithesis to *stultissimum hominem.*

C. Fimbriam] Gaius Flavius Fimbria, a *novus homo*, i.e. the first of his family to obtain a curule office, was colleague of C. Marius in his second consulship A. U. C. 650=B. C. 104 (Verr. v. § 181). We learn from § 21 that he had previously been an unsuccessful candidate for the tribuneship. In the revolt of Saturninus he took up arms for the protection of the state (or. p. Rab. perd. § 21). His activity in the capacity of a *iudex* is spoken of de off. III § 77. He was himself accused by Gratidius of *repetundae* and acquitted, although M. Aemilius Scaurus appeared as witness against him (or. p. Font. § 24, Valer. Max. VIII 5 § 2). As a speaker he was considered (Brut. § 129) *truculentus, asper, maledicus, paulo fervidior atque commotior, diligentia tamen et virtute animi atque vita bonus auctor in senatu.*

l. 33. Cn. Manlium] Cn. Manlius (or Mallius) Maximus was consul B. C. 105 with Q. Servilius Caepio. On his return from his province, Transalpine Gaul, where he was utterly defeated by the Boian Gauls, he was impeached, but defended by M. Antonius, the celebrated orator (de orat. II § 125).

P. 6, l. 1. contempta] 'despicable,' cf. de am. § 32 *suas omnis cogitationes abiecerunt in rem tam humilem tamque contemptam*, Liv. II 55 § 3 *nihil contemptius, si sint qui contemnant*, or. Phil. II § 2 *quid putem? contemptumne me*, or. p. Sest. § 86. Perfect participles often supply the want of verbals in *bilis*, more particularly in the comp. or superl., Mayor on Phil. II § 32 l. 15, so *execratus* 'execrable,' *conspectus* 'visible,' Liv. XXII 4, 6, XXVII 27, especially in compounds with *in* as *indomitus* 'unconquerable,' *inviolatus* 'inviolable,' *inaccessus* 'unapproachable,' *invictus* 'invincible,' Liv. IX 16, 14. On the use of the ablative of quality with proper names, where there is no appellative, see n. on § 52 l. 11.

§ 13, l. 1. desiderarunt] 'sought in vain for you.'

l. 2. inquit] sc. *populus*.

Cyrenis] where Laterensis was pro-quaestor, § 63 l. 12, Intr. § 6.
me—frui malebam] on the construction see note to Cic. de off. I § 65 l. 19.

l. 3. et quo plus—aberat a me] i.e. et quo plus intererat me tua frui virtute, eo minus me virtute tua adiuvisti, 'the more it was for my interest to have the benefit of your services, the more they failed me.' Keil explains: et quo plus mea intererat talem virum oculis videre, eo plus mihi defuit tum, cum adspectu tuo erat carendum. *Abesse* is here used in the opposite sense to *adesse* when it means 'to be present with one's aid,' 'appear on a person's behalf,' 'to stand by,' cp. or. p. Sulla § 7 *quid est quod mirere, si cum isdem me in hac causa vides adesse, cum quibus in ceteris intellegis afuisse?* ib. § 14 *ut mirari Torquatus desinat, me qui Autronio afuerim, Sullam defendere*, Acad. II § 36 *facile etiam absentibus nobis veritas se ipsa defendet.* So here we must understand *cum adesse* after *intererat.*

l. 4. sitientem—virtutis tuae] a still stronger metaphorical expression is found ep. ad Att. II 14 § 1 *proinde ita fac venias ut ad*

sitientis auris. Present participles from transitive verbs, when used adjectively, are frequently constructed with a genitive: cf. below § 55 l. 1, or. de l. Man. § 7 *appetentes gloriae,* de or. II § 364 *sui despiciens,* or. p. Quint. § 62 *negotii gerens,* or. p. Sest. § 97, or. in Vatin. § 12, de fin. V 27, 4 *haec cum corporis bona sint, eorum conficientia certe in bonis numerabis,* or. p. Flacco § 44 *conficientissima litterarum;* Roby Gr. II § 1314, Kenn. Gr. § 174, 2 b, Madvig Gr. § 289 a.

l. 5. **deseruisti ac reliquisti**] 'you gave me up and left me in the lurch.' The second of the two synonymous verbs serves the purpose of a strengthening adverb, cf. § 2 l. 13, de nat. deor. I § 11 *nec vero desertarum derelictarumque rerum patrocinium suscepimus,* Verr. II 3 § 120 *ut aratores agros fertiles desererent totasque arationes derelinquerent.*

l. 6. **petere tribunatum**] in the year A.U.C. 695 = B.C. 59, when Caesar and Bibulus were consuls: ep. ad Att. II 18 § 2 *habet Campana lex execrationem in contione candidatorum, si mentionem fecerint, quo aliter ager possideatur atque ut ex legibus Iuliis; non dubitant iurare ceteri; Laterensis existimatur laute fecisse, quod tribunatum pl. petere destitit, ne iuraret,* below § 52 l. 24. See also Intr. § 6.

l. 7. **requirebant**] 'called for,' 'felt the want of,' as in § 15, § 62, § 63, § 94, or. p. Sull. § 26 *si neque amici in foro requirunt studium meum neque res publica in curia,* auct. ad Herenn. IV § 37 *vestram sapientiam desidero, veterem consuetudinem requiro.* Had Laterensis not retired from the contest, he would have been tribune of the plebs in B.C. 58, the year in which Piso and Gabinius were consuls, and in which Cicero went into exile.

l. 8. **reliquisses**] Laterensis had not chosen to enter into a *coitio* with those in power, and to swear with the rest of the candidates to support the *lex Iulia agraria.* See § 52 and Intr. § 6.

tanta in tempestate]=anno tam turbulento, 'in such stormy times,' cf. § 11 l. 12, § 86 l. 6, or. p. Ligar. § 34 *tempestate abreptus est,* pro Sest. § 101 *quem neque periculi tempestas neque honoris aura potuit umquam de suo cursu demovere.* Translate: 'if by abandoning that canvass you decided that you were not able to pilot (the vessel of the state) in so violent a storm, I had my misgivings about your capacity; if you meant that you did not choose, about your patriotism.'

l. 9. **si nolle**] i.e. si iudicasti te nolle gubernare. On the use of *gubernare* absolutely=*clavum tenere,* cf. de off. I § 87 *similiter facere eos, qui inter se contenderent uter potius remp. administraret, ut si nautae certarent, qui eorum potissimum gubernaret,* and so met. or. Phil. II § 92 *constituta respublica videbatur aliis, mihi vero nullo modo, qui omnia te gubernante naufragia metuebam.*

l. 10. **quod magis intellego**] 'which I see was rather your object.'

l. 12. **eum magistratum**] sc. tribunatum plebis, an office in which you may be of great service to me. Observe that the emphasis is to be laid on *magnae.* On the predicative dative or dative of purpose, see Roby Gr. II Pref. xxv—lvi, § 1160, Madv. Gr. § 249.

l. 13. **aediles—parati]** 'no matter who are aediles, the same games and shows are provided for me.' The *ludi plebeii* were conducted by the plebeian aediles (Liv. XXXI 50), and were held on the 16th, 17th and 18th of November. The celebration of the ludi magni or Romani, the ludi scenici and the Megalenses belonged especially to the curule aediles. On the origin of the *aediles plebeii* and the *aediles curules* and their relative position, mode of election and duties, see Ramsay Rom. Ant. p. 156 ff.

l. 15. **redde mihi quod ostenderas]** 'fulfil the expectations you had raised in me,' viz. by becoming tribune. Cf. the phrase *reddere vota* de leg. II § 22, Verg. Ecl. V 75, and *reddere promissa* Aen. V 386, and Brut § 258 *perge de Caesare et redde quae restant*.

l. 16. **quod mea minus interest]** minus enim prodesse mihi potes in aedilitate quam in tribunatu. MANUTIUS

l. 17. **reddam tibi—paullo diligentius supplicare]** reddam quidem tibi si, quod ostendisti, tribunatum pl. petere recusas, aedilitatem istam, sed amplissumos honores, praeturam et consulatum, quorum consequendorum causa aedilitatem petis, nisi diligentissime mihi supplicaveris, non adipisceris. notum est autem quod Cicero de legg. III § 7 dicit: *suntoque aediles coeratores urbis, annonae ludorumque sollennium: ollisque ad honoris amplioris gradum is primus ascensus esto*. W.

l. 19. **condiscas censeo]** 'I propose that you learn,' 'I advise you to learn.' When *censeo* is thus followed by a subjunctive clause without *ut*, something of irony is generally implied. Cp. Phil. II § 95 *quid sis acturus meditere censeo*, Verr. V § 147 *magno opere censeo desistas*, p. Flacc. § 75 *si cupidus es gloriae, alia ornamenta censeo quaeras*.

CHAPTER VI

But, whatever the people may say in its own justification, the court does not sit to enquire into the ground of the rejection of a candidate, provided no bribery can be proved to have been employed against him. We must take things as they are. The electors are free agents, not bound to consider a man's family or any other pretensions, and, popular feeling being so liable to fluctuation, how can the result of an election be predicted with any certainty? (§§ **14—16**).

§ **14**, l. 21. **non debere iudicem quaerere]** 'that it is not the province of the judex to investigate the grounds of your defeat.' The *iudex quaestionis* or 'president of the court' was the praetor C. Alfius Flavus, see Intr. § 27.

l. 24. **factus erit]** § 9 l. 22, § 15 l. 3.

nihil est iam quod populo supplicetur] 'there is no reason henceforward why men should become humble suitors for popular favour.'

On *nihil est quod* with subj. see Zumpt Gr. § 562, Madvig Gr. § 372 b *obs.* 6, Roby Gr. II § 1686, Kenn. Gr. p. 322.

l. 25. **diribitio suffragiorum**] 'a classification, sorting, of the tickets taken from the ballot-box' in order to determine which of the candidates has the majority, cp. § 49 l. 1, or. in Pis. § 69. Ramsay Rom. Ant. p. 108 thinks that the business of the *suffragiorum diribitores* was to distribute the tickets (*tabellae*) before the election to each voter as he passed along the *pons* to vote. *Diribeo* is for *dishibeo* (cf. *dirimo* from *dis-emo*) 'to keep apart,' 'separate.' On the words *supplicatio magistratuum* see cr. not.

l. 26. **renuntiatio**] sc. suffragiorum, 'the official statement of the poll,' which implies the declaration of the successful candidate, or. p. Mur. § 18.

simul ut] rarely found in Cic., see Madvig de fin. II § 33, who says that he knows of only five passages where it ought to be retained; he does not include the present among them. **qui sint professi**] 'who have given in their names as candidates.' Cf. Vell. Pat. II 92, 3 *quaesturam petentis, quos indignos iudicavit, profiteri vetuit.* See Addenda.

l. 27. **familia consulari—praetoria**] a family the members of which have attained to the dignity of the consulship—praetorship. *Locus*, 'rank,' 'degree' by birth.

l. 29. **servari—gradus**] 'it is necessary that the different gradations of rank should be respected.'

§ 15, l. 31. **sublata sunt studia**] = si studia sublata erunt, 'do away with all party-spirit, abolish all interest in elections, have no contests, no free action of the people in appointing to magistracies, no anxious waiting for the result of the election (all being known beforehand), and what will be the consequence? there will be none of the usual surprises, no variety hereafter in the elections.' On the categorical form of the sentence in place of the conditional see Kenn. Gr. p. 473, Roby Gr. II § 1553, Madvig Gr. § 442 a *obs.* 2.

l. 33. **in mandandis magistratibus**] § 7 l. 24.

P. 7, l. 3. **sin**] 'but if on the other hand,' referring to the *si* implied in the former sentence: see n. to § 10 l. 5. **hoc persaepe accidit ut—miremur**] 'it very frequently happens that we are surprised at the election of some and the non-election of others,' Madvig § 373, Roby Gr. II § 1700, Kenn. Gr. p. 195. On *factos* see note to § 9 l. 22.

l. 4. **campus**] = qui sunt in campo martio, where the comitia tributa for the election of magistrates were frequently held, though the usual place of assembly was the forum, cp. or. p. Sull. § 49 *ut victi in campo in foro vinceretis.* **undae comitiorum**] = fluctuans populus suffragia ferens, cf. § 11 l. 12. Translate: 'if the popular councils have their ebbs and floods, like the waters of a deep and boundless sea, which approach some, while they leave others high and dry.' Cp. or. p. Mur. § 35 and the celebrated passage in Demosth. de fals. leg. § 149 p. 383

'a democracy is the most inconstant and uncertain thing to depend on, like a restless wave in a sea, ruffled by a wind in whatever way chance may determine, one comes, another goes away;' where Shilleto after J. Taylor quotes Appian bell. civ. III § 20 ὁ δὲ δῆμός ἐστιν—ἀστάθμητον ὥσπερ ἐν θαλάσσῃ κῦμα κινούμενον, ὃ μὲν ἦλθεν, ὃ δ' ἀπῆλθεν, also Liv. XXVIII 27, and Clarendon *History of the Rebellion* init. 'The Duke of Buckingham was utterly ignorant of the ebbs and floods of popular councils and of the winds that move those waters.'

l. 7. **tanto nos in impetu studiorum**] 'notwithstanding the excitement and stir of party zeal shall we look for some method in popular thoughtlessness, some judgment and exercise of reason?' On this use of *in* see my note on Cic. de off. II § 4 l. 17, Fabri on Liv. XXI 55, 10.

§ **16**, l. 9. **ad contentionem vestrum**] 'to a comparison between you,' 'a relative estimate of your merits and demerits,' § 5 l. 7, or. p. l. Man. § 36 *ex aliorum contentione* 'by a comparison with others.' Some MSS have *vestram* but we have the testimony of Gellius N. A. XX 6 § 11 in favour of *vestrum*: '*haec autem ipsa ratio est in numero plurativo qua Gracchus misereri vestrum dixit et qua M. Cicero contentio vestrum et contentione nostrum dixit.*' Cp. de leg. agr. II § 55 *hac vestrum frequentia*, or. Phil. IV § 1 *frequentia vestrum incredibilis*. Wunder observes that *contentio vestra* would imply that the comparison is made between those addressed whether by themselves or others: whereas *contentio vestrum* limits the comparison of them to the speaker. Cf. Zumpt Gr. § 431. Krebs Antibarb. § 93.

si populo grata est tabella] 'if the people like the voting-tablet (i.e. the privilege of voting by ballot), which lets the countenances of voters be seen (enables a man to put on a cheerful countenance, *Long*), while it conceals their thoughts (real intentions), and leaves them free to act as they please, while they promise anything they are asked.' *Aperire* here = *spectandum praebere*, German *sehen lassen*, as it is translated by Nägelsb. lat. Stil. p. 269 § 99, 3, who compares de nat. deor. II § 51 *stellae—tum occultantur, tum rursus aperiuntur* and the use of *ostendere* or. p. Mil. § 50 *neque muta solitudo indicasset neque caeca nox ostendisset Milonem*. *Frons* and *mens* are similarly opposed ep. ad Att. IV 15 § 7 *Pompeius Scauro studet, utrum fronte an mente dubitatur.*

l. 11. **eam libertatem ut—faciant**] 'the liberty of acting,' see n. on § 8 l. 3, § 50 l. 12.

l. 12. **cur—exprimis**] i.e. cur tu exigis ut fiat contentio nostrum? *Exprimere* = *extorquere*, *vehementer urgere*, *vi elicere* 'to wrest by force,' 'extort something from an unwilling person.' Cf. or. in Verr. III § 112 *expressi ut conficere se tabulas negaret*, Quint. Curt. VI 7 *expressit ut pollicerentur*, Caes. de bell. gall. I 32 *cum ab his saepe quaereret neque ullam omnino vocem exprimere posset*, ep. ad Att. II 21 § 5 *vocem exprimere non potuit*, Liv. III 30 § 6 *expressit hoc necessitas patribus*, Tac. Ann. I 19, 39, 73.

l. 14. **grave**] sc. *dictu*, 'an offensive way of putting it, He (Plancius) is more deserving than the other (Laterensis).'

quomodo est aequius] sc. *dictu:* 'what is the fairer way of putting it?' This is, I take it: for here lies the point, this is enough for the judge, 'he was elected.' 'Why your client rather than myself?' I do not know or I don't choose to say, or lastly I might say 'he was not properly elected:' which would be a very disagreeable assertion to make, though I ought not to be punished for making it.'

l. 15. **quod agitur**] de Div. I 86 *cur fiat quidque, quaeris. Recte omnino; sed non nunc id agitur; fiat necne, id quaeritur.*

l. 17. **quod mihi gravissimum esset—non recte**] gravissimum erat Ciceroni, si dicebat non recte Plancium Laterensi esse praepositum, ex quo consequi videbatur, ut Plancium largitione populum corrupisse concederet. Tamen negat se, si hoc diceret, debere puniri, id est, causam Planci perdere existumari, cum populus, id quod supra docuit, sine iudicio magistratus creare soleat, ideoque ex eo, quod quis non recte sit factus, minume sequatur, ut largitione corrupisse populum censendus sit, cumque populi factum licet non probandum tamen ferendum sit. *W.*

l. 18. **num quid adsequerere**] By pointing with a comma at *recte* and reading *num* for the vulgate *nam*, Landgraf, who adopts Gruter's correction *adsequerere*, has cleared up the difficulty of this passage. The sense is: 'You ask me, why was your client preferred by the electors to me? I do not know, or I do not choose to say, or supposing I did say, what I should very much dislike saying, though I might do so without compromising my client's case, viz. that the people made the wrong choice, acted capriciously, what object should I attain by the admission, if I were to take such an extreme line of defence?' *Extrema defensio* is to be explained by the preceding words *vel denique, quod mihi gravissimum esset, si dicerem.* For an explanation of the MSS reading *adsequerer*, retained by Wunder, Müller and others, see critical notes.

CHAPTER VII

§§ **17—30.** *But this is not all; without comparing your respective personal merits I can justify the people's choice of Plancius and prove that he did not employ unworthy expedients to carry his election, but availed himself of the ordinary avenues to office which are open to the son of a Roman knight. The other candidates Plotius and Pedius were also sons of Roman knights. Why be angry with Plancius rather than with the one who was immediately above you in the poll?* (§§ 17, 18). *Your high rank was no doubt in your favour, and you think it ought to have secured your election: no doubt there are many who prize high rank, but it is no fault of ours if there are many more who do not. Plancius was, it is true, only the son of a knight, but he had a much*

stronger body of supporters, not only from his own prefecture Atina, than Laterensis had from Tusculum—the burgesses of which place are fewer in number and take less pride in the success of their fellow-townsmen (§§ 19—21)—*but also from the neighbouring* municipia, *who were his staunch friends and showed the liveliest interest in his election, as they do in the result of the present trial* (§ 22). *Another thing which told in Plancius' favour was that his father was a man of great weight among the* publicani, *of which highly influential body he was a leading member, and they were very zealous about his election* (§§ 23, 24). *I myself also, out of gratitude for his inestimable services to me, used all the influence I could possibly command in his behalf* (§§ 25, 26). *Lastly, you ought not to be surprised at the election of Plancius, when his private character exhibits so many excellent traits and he is personally held in such esteem and so beloved by all those with whom he has had any official connexion. In point of birth, I confess, he may be inferior to you, but there are some points in which he is your superior, while in integrity and other virtues he is at least your equal* (§§ 27—30).

§ **17**, l. **21. Quid? si**] 'how, if;' to introduce a new argument, Madvig Gr. § 479 obs. 1, Zumpt Gr. § 179, n. on Cic. de off. III § 82 l. 20. The first argument was, the people have chosen him; the second, their choice is justifiable.

l. **22. obrepsisse ad honorem**] 'crept up to,' got at the office by stealth and unworthy means; cf. or. p. Pis. § 1 *obrepsisti ad honores errore hominum*.

l. **23. eo venisse cursu cet.**] 'arrived at it by the road which has always been open to men who like myself are the sons of fathers of equestrian rank.' *Eo cursu*=ea via. v. Madv. de fin. I § 37.

l. **25. contentionem vestrum**] § 16 l. 9.

sine contumelia])(*sine honore*, 'without disrespect,' cp. ep. ad fam. V 2 § 3 *dixisti orationem meam non solum in te honorificam, sed etiam in collegas tuos contumeliosam fuisse*, § 6 l. 12, § 34 l. 20.

l. **26. aliquando**] i.q. tandem aliquando, 'now at last,' 'at length and high time too,' § 33, § 36, § 47, § 98, or. p. Cluent. § 51 *collegi me aliquando*, de harusp. resp. § 48 *sit discordiarum finis aliquando*, Sall. Cat. c. LII § 5 *expergiscimini aliquando et capessite rem publicam*. **causam crimenque**=id quod in iudicium venit, 'the question at issue and the charge against my client,' § 4 l. 26.

l. **27. omnes**] 'none but,' i.e. all who competed with you were sons of *equites* and so far your inferiors.

l. **28. nihil dico amplius**] 'I have nothing more to say on this subject;' I decline making any further comparison and abstain from any judgment. 'Tacite significat, eos dignitate inferiores fuisse Plancio, ausos tamen esse cum Laterense in aedilitatis petitione contendere.' MANUTIUS

l. **29. qui longissime a te afuit**] because there were two other candidates, Pedius and Plotius, between Plancius and Laterensis, who

obtained a less number of votes than the former, but greater than the latter, § 49 l. 2.

l. 30. **si quando, ut fit, iactor cet.**] 'whenever, as often happens, I am jostled in a crowd; I don't find fault with the person who is at the top of the Sacra via, while I am being pushed along near the Fabian arch, but with the man who actually runs up against me and pushes me.' Mr Nichols (Roman Forum p. 126) says 'The Sacred way, at the point where it entered the Forum, after passing the Regia, was spanned by the Fornix Fabius, one of the earliest of a class of monuments which were afterwards so numerous at Rome and in imperial times were multiplied to satiety. This commemorative arch was erected by Q. Fabius Maximus Allobrogicus, consul B.C. 121, by means of the plunder gained in his campaign against the Allobroges and Arverni, tribes of Gaul.... Cicero reports a saying of Crassus about Memmius, that he thought himself so great a man, that he could not come down into the Forum without stooping his head at the Arch of Fabius (de orat. II § 267, where it is called *fornix Fabii*). Cp. Pseudo-Ascon. ad Cic. Verr. I 7 § 18, where it appears as *fornix Fabianus*.' 'The narrow part of the Sacred way between the Arch of Fabius and the top of the slope would naturally become crowded when a number of people were either entering or leaving the open space of the Forum.' BURN *Rome and the Campagna*, p. 78.

ut fit] cp. § 35 l. 32 *ut fit in multis, exit aliquando aliquid*, or. p. Mil. § 28 *dum se uxor, ut fit, comparat*, Liv. III 1, 7 *facit statim, ut fit, fastidium copia*. **iactor**] cp. § 55 l. 26, Verr. II 1, 26 § 67.

l. 31. **in summa sacra via**] 'the highest part of the *sacra via*' near the arch of Titus, from which the ground slopes down to the Forum.

l. 33. **Q. Pedio**] Quintus Pedius was possibly the grandson of Caesar's eldest sister Julia (Sueton. Caes. c. 83), who was his legatus in Gaul B.C. 59 (Caes. de B. G. II 1), and was soon after this trial (B.C. 49) in correspondence with him from Capua (ep. ad Att. IX 14, 1). He was praetor B.C. 48, in Caesar's second consulship, and B.C. 45 served against Pompey's party in Spain. He was the proposer of the *lex Pedia*, by which all the murderers of Julius Caesar were punished with *aquae et ignis interdictio*.

P. 8, l. 1. A. Plotio] Aulus Plotius after his aedileship in B.C. 54 was praetor urbanus in B.C. 51 and subsequently propraetor of Bithynia and Pontus, ep. ad Att. V 15, ad fam. XIII 29.

l. 2. **ab eo qui hos dimovit**] 'by the man who pushed his way past them.' Cp. Hor. Od. III 5, 51 *dimovit obstantes propinquos*, i.e. *cedere sibi iussit*. **in te ipsum incubuerunt**] 'pressed upon yourself,' 'elbowed you.'

§ 18, l. 3. sed tamen haec] i.e. quamquam contentio vestrum sine contumelia tractari nequit, tamen cet.: Tr. 'but—to pass on—this is the first comparison (§ 5 § 16) you make between yourself and Plancius, namely that of your race and family.' On *sed tamen* cf. § 54 l. 14. § 64 l. 18, or. p. Sest. § 23.

l. 5. quod necesse est] sc. confitear.

l. 7. alias] sc. in petitione aedilitatis et praeturae. **vincebar**] Cicero was a Roman knight, but he was a *novus homo* also. Plutarch vit. Cic. 1, 2 *καίτοι τῶν μετιόντων ὁ Κικέρων μόνος ἦν ἐξ ἱππικοῦ πατρός, οὐ βουλευτοῦ γεγονώς.*

l. 8. vide ne] 'formula urbana monendi et dubitandi, in primis Ciceroni familiaris,' Kühner ad Tusc. 1 § 83. Translate: 'but mind that these very points, which you look down upon, may not have told in his favour.' On the meaning of *suffragata* cp. § 1 l. 5 n.

l. 9. utraque familia] 'both on your father's and mother's side.' Non dixit *genere*, quia totum genus Laterensis non erat consulare sed *familia* tantum matris eius et patris.' *W.*

l. 11. id] sc. favere nobilitati.—**imaginibus**] 'It was the custom for the sons or other lineal descendants of those who had held curule magistracies to make figures with waxen faces representing their dignified ancestors, and the right bestowed by such custom or usage was called *ius imaginum.* These *imagines* or figures were usually ranged in the public apartment (*atrium*) of the house occupied by the representative of the family; appropriate descriptive legends (*tituli*) were attached to each; they were exhibited on all great family or gentile festivals and solemnities; and the dignity of a family and of a gens was, to a certain degree, estimated by the number which it could display. All persons who possessed one or more of these figures, i.e. all who could number among their ancestors individuals who had held one or more curule offices, were designated by the title of *nobiles.* Those who had no figures of their ancestors but who had raised themselves to a curule office were termed *novi homines.* All who had no figures of their ancestors and had not, in their own persons, attained to a curule office, were ranked together as *ignobiles.* Even after the admission of the Plebeians to a full participation in political power, the higher offices were, to a great extent, monopolised by a small number of families; these *nobiles* became gradually more and more exclusive, and looked with very jealous eyes upon every one not belonging to their own class who sought to rise to eminence in the state. Hence the fierce opposition offered to Marius, who was a *novus homo*, and even Cicero, who stood in the same position, was always, notwithstanding the services he rendered to the aristocracy, regarded with coldness and aversion by a large portion of the old *nobiles.* On the subject of Roman *imagines* our great authority is Polybius vi 50.' Ramsay Rom. Ant. p. 67.

l. 12. ducuntur] 'are taken,' 'allured.' Cp. Verr. II 2 § 143 *si quis statuarum honore aut gloria ducitur*, orat. § 115 *si quis eloquentiae laude ducatur.* 'Qui plurimum tribuunt nobilitati. *Nomina* enim latinis *nobilitas.* Cic. ep. ad fam. 3, 7, 5 *ista vestra nomina numquam sum admiratus.*' GRAEVIUS. *fecerint* 'voted for,' § 9.

l. 13. parum multi] 'too few.' Though all who like the 'nobilitas' would have voted for you as aedile, surely we are not to blame if those who like the 'nobilitas' form only a small party.

l. 14. caput] 'fountain-head,' cp. p. Cael. § 31 *horum criminum video fontem, video certum nomen et caput*, de orat. I § 42 *philosophorum greges ab illo fonte et capite Socrate*, ib. § 195 *legum 'fontes' et capita.*

CHAPTER VIII

§ **19, l. 15. municipio antiquissimo Tusculano**] 'The legend which ascribes the foundation of Tusculum to Telegonus, the son of Circe and Ulysses, is familiar to all readers of the Latin poets (*factaque Telegoni moenia celsa manu* Ovid Fast. III 91, *Circaeo Tuscula dorso moenia* Sil. Ital. VII 692, *Telegoni pulsatos ariete muros* ib. XII 535, *vitreae iuga perfida Circes Dulichiis ululata lupis* Stat. Silv. I 3, 83, *Telegoni iuga parricidae* Hor. Od. III 29, 8, Epod. I 30)....In the time of the Latin league, from the fall of Alba to the battle of the lake Regillus, Tusculum was the most prominent town in Latium. It suffered, like the other towns in Latium, a complete eclipse during the later Republic and the Imperial times.' Burn *Rome and the Campagna* p. 380 f. It became a *municipium cum suffragio* soon after B.C. 381 (Liv. VI 26), before which time it had the *civitas sine suffragio*, and its inhabitants after 323 were enrolled in the *Tribus Papiria*, Liv. VIII 37, 12, Val. Max. IX 10, 1, *Papiria tribus, in qua plurimum postea Tusculani in civitatem recepti potuerunt, neminem umquam candidatum Polliae tribus fecit magistratum*, Ramsay Rom. Ant. p. 91. Tusculum was remarkable for the steadiness of its friendship for Rome, which was only interrupted in B.C. 379, when in consequence of a number of Tusculans being found amongst the prisoners in the Volscian campaign, war was declared and Camillus sent against the city. Cicero had a villa there (*Tusculanum*) from which his Tusculan disputations take their name.

l. 16. plurimae familiae consulares] belonging to the *gentes Mamilia, Porcia, Coruncania, Fulvia, Fonteia*, or. p. Font. § 41, Valer. Max. III 4 § 6.—**Iuventia**] according to the statement of L. Cassius (§ 58), who united with M. Juventius Laterensis in accusing Cn. Plancius, the first plebeian aedile was a member of this gens. Cicero denied the correctness of the statement, but, true or not, the fact of its being made is sufficient to prove the antiquity of the gens. The name does not occur again in history till B.C. 194 when T. Juventius Thalna was made praetor; and the first of the gens who obtained the consulship was M. Juventius Thalna, who was the colleague of Tib. Sempronius Gracchus B.C. 163 (Liv. XLIII 10, XLV 14). The family names of the gens are Celsus, Laterensis, Pedo, Thalna. Smith Dict. Biogr. II p. 691.

l. 18. praefectura, as distinguished from an ordinary *colonia* or *municipium*, was an Italian city governed by an officer nominated by the praetor urbanus and sent annually from Rome to administer justice (*praefectus iuri dicundo*). Festus p. 233 Müller: 'praefecturae eae appellabantur in Italia in quibus et ius dicebatur et nundinae agebantur

et erat quaedam earum res publica neque tamen magistratus suos habebant, in quas legibus praefecti mittebantur quotannis qui ius dicerent.' See n. on p. Sest. § 32.—**Atinati**] Atina was situated in the far S.E. of Latium in the Sabine Hills between Venafrum and Sora. It was a very ancient and powerful city; hence Martial in an epigram on Marius one of its inhabitants (*Atinas*) says *Mari, quietae cultor et comes vitae, quo cive prisca gloriatur Atina* and Vergil Aen. VII 630 calls it *Atina potens.* Silius Italicus (VIII 398 *monte nivoso descendens Atina*) speaks of its cold and elevated position, a feature which the modern city of Atina retains. Though originally reduced to the condition of a *praefectura*, it became subsequently a *municipium cum suffragio*, and continued to be a considerable place under the Roman empire. It was included in the *tribus Teretina.* Smith Dict. Geogr. Vol. I p. 310 f.

l. 19. **non tam honorata etc.**] 'with not so many men of rank and position, nor situated so near the city'.

l. 20. **quantum interesse vis**] 'how much difference will you have it that it makes?' § 84 *me vult fuisse Rhodi*, or. p. Cael. § 53 *si tam familiaris erat Clodiae quam tu esse vis.* **ad rationem petendi**] 'in respect of the prosecution of a canvass,' Zumpt Gr. § 296.

l. 21. **utrum magis favere putas—suis?**] ait Tusculanos minus esse suffragatos municipibus suis, velut iampridem huiusmodi dignitate saturatos; istos vero, qui Atinate oppido venirent, exoptasse ornari Plancium, quod ea res non minus etiam ad honorem suum pertineret, cum paucissimos de suis civibus haberent senatoriis magistratibus honoratos. Praeterea et hinc istis civitatibus adicit differentiam, quod Atinates semper civibus suis faverant; Tusculani plurimum livoris naturaliter etiam circa municipes suos habuisse videntur. Sic et M. Cato ille censorius pro maligno et invido habitus est. Nec aliter etiam Lucilius de eorundem moribus sentit hoc dicens: prima Papiria tu solidarum. SCHOL. VATICANA, where for the last two words Wunder suggests *Tuscolidarum.*

l. 22. **alteri**] the people of Atina, which was not far from Arpinum, Cicero's birthplace, § 22 l. 20 *sumus enim finitimi Atinatibus.*

l. 23. **huius**] Cn. Saturninus appeared in court as an *advocatus* of Plancius, that he might by his interest and sympathy with him predispose the judges in his friend's favour, § 29.

l. 26. **sellam curulem**] by synecdoche for 'honorem curulem,' 'a curule office' or 'dignity.' The *sella curulis* was a folding-stool with curved legs placed cross-wise, introduced from Etruria. The use of the *sella curulis*, originally the exclusive privilege of kings, was afterwards conferred upon consuls, praetors, curule aediles, also upon the dictator and his magister equitum, the decemviri; and at a later period it was extended to the quaestor. These high offices of state were hence called *magistratus curules.* The sella was of ivory or inlaid with ivory; hence Horace Epist. I 6, 58 speaks of *curule ebur* for *curulis sella.*

l. 27. **alteros**] sc. the people of Tusculum.

l. 28. **nam malevolos non esse certo scio**] 'for I am fully persuaded, have sure knowledge, that they are *not* ill-natured.' On the difference between *certe scio* (which is found in some MSS here) and *certo scio*, see Mr Reid's note on the Cat. mai. § 2 l. 18. On the allusion contained in *malevolos*, see note of the Scholia Bobiensia quoted above. The same scholiast suggests that Cicero is here speaking ironically: 'Hoc dicitur ab eo ἐν ἤθει; quippe cum diversum intellegi velit, simulat contra Tusculanos verecundiam malevolentiae negatione.'

l. 29. **suorum municipum**] see cr. notes. **honore**] § 1 l. 3, § 23 l. 6.

§ **20**, l. 30. **habemus hoc nos**] 'this is a peculiarity of ours,' viz. that we take pride in the elevation of members of our own *municipium*. *Habere* here = *habere in se*.

l. 31. **de fratre meo**] Q. Tullius Cicero, brother of the orator, was born B.C. 102. He accompanied his elder brother to Athens B.C. 79 (de fin. V 1), where he studied rhetoric with him. In 65 he was plebeian aedile, and in 63, the year of his brother's consulship, he was designated as praetor for the following year. From B.C. 61 to B.C. 59 he was propraetor of Asia (or. p. Flacco § 33 § 49 § 52). On his return to Rome in B.C. 58, he exerted himself strenuously to procure the recall of his brother from exile (or. p. Sest. § 76, ep. ad Att. IV 3 § 2). In B.C. 57 he was made *legatus* to Pompeius, when the latter had *potestas rei frumentariae toto orbe terrarum* committed to his charge: in B.C. 55 he accompanied Caesar on his expedition to Britain as his *legatus*, and became distinguished for his services in Gaul. Later, in B.C. 51, he was his brother's legate in Cilicia. In the civil war between Caesar and Pompeius he joined the latter (ep. ad Att. IX 1, 6), but after the battle of Pharsalia (B.C. 48) he quarrelled with his brother and made his peace with Caesar. In B.C. 43 he fell a victim to the proscription of the triumvirs. Quintus was married to Atticus' sister Pomponia, but their union was an unhappy one (ep. ad Att. V 1 &c.).

l. 32. **agri—montesque**] A similar hyperbolical personification occurs below § 22, cp. or. p. Mil. § 20, or. p. Rabir. § 8 *cum ad eius propulsandum periculum non modo homines, sed prope regiones ipsae convenerint*. '(ὑπερβολικῶς) hoc dixisse videatur, nisi interposuisset vigilantissime temperamentum recedentibus (intercedentibus W, recidentibus, i.e. restringentibus OR, praecedentibus MAI) verbis, quod ait 'prope dicam;' nam neque agri neque montes possunt habere ullum sensum favoris; sed (ἀναίσθητα) quae sunt, vim sententiae de hac moderatione sumserunt.' SCHOL. VAT. *faverunt* = 'declared in favour of.'

num quando vides] 'you never observe, do you?'

l. 33. **de M. Catone**] M. Porcius Cato was born A.U.C. 520 = B.C. 234 (Cic. de sen. § 14) at Tusculum of a plebeian family (de leg. II § 5 *ille Cato, cum esset Tusculi natus, in populi Romani civitatem susceptus est; ita, cum ortu Tusculanus esset, civitate Romanus*,

habuit alteram loci patriam, alteram iuris, de rep. I § 1 *M. vero Catoni, homini ignoto et novo, quo omnes quasi exemplari ad industriam virtutemque ducimur, certe licuit Tusculi se in otio delectare salubri et propinquo loco*). He passed the earlier years of his life *in parsimonia atque in duritia atque industria, agro colendo, saxis Sabinis silicibus repastinandis atque conserendis* (Fest. p. 281). He entered the army as a common (*ordinarius*) soldier about the time of the battle of lake Trasimenus, but subsequently served as military tribune under Marcellus in Sicily, under Fabius at the capture of Tarentum B.C. 209 (de sen. § 10), and under C. Claudius Nero at the battle of the Metaurus. In B.C. 204, at the age of thirty, he began his political career with the quaestorship, and served under Scipio Africanus in Sicily and Africa, but their habits and views of life differed so much that he was allowed to return to Rome. In B.C. 199 Cato was plebeian aedile, in B.C. 198 he was chosen praetor and obtained the province of Sardinia, which he ruled with the strictest economy and justice. In B.C. 195 he was elected consul with L. Valerius Flaccus, being the first *novus homo* elected since C. Flaminius the consul of B.C. 217 carried on a successful war in his province Hispania citerior and triumphed on his return. When the war against Antiochus broke out he served on the staff of the consul M'. Acilius Glabrio as *legatus consularis* (Liv. XXXVI 17, 1) or, according to Cic. de sen. § 10, as *tribunus militum*, and the decisive victory of the battle of Thermopylae, by which Antiochus was driven out of Greece, was mainly owing to him. From this time his military career ended; and for the next forty years he was the leading figure on the stage of Roman politics, distinguishing himself by his vehement opposition to the Roman nobles, especially the Scipios. In B.C. 184 he was censor with his old friend Flaccus, but all his struggles against the degeneracy and luxury of the times during his tenure of this office proved unavailing. His life-long prejudice against Carthage is well known, and how he always ended his speech, whatever was the subject, with '*ceterum censeo delendam esse Carthaginem.*' He died B.C. 149 before the conclusion of the war. Cato enriched the Latin language with several literary works. His *de re rustica* is a miscellany of maxims relating to domestic and rural economy: his ἀποφθέγματα (Cic. de off. I § 104, de orat. II § 271) is a collection of witty sayings from Greek and Roman sources. We have also fragments of some of his speeches, the titles of ninety of which are still known. His greatest work, however, was the *Origines*, the first historical work in Latin, many fragments of which are extant (§ 66 l. 16). His antipathy to the Greeks and their literature showed itself in various acts, as when he urged the removal of the famous embassy from Athens in B.C. 153. There is a splendid and celebrated portrait of him in Livy XXXIX 40. His biographers are Cornelius Nepos, Plutarch and Aurelius Victor. Some facts also relating to him are found in Cicero's *Brutus* and the treatise *de senectute*.

P. 9, l. 1. de Ti. Coruncanio] Tiberius Coruncanius, the distinguished jurist, was one of the most remarkable men of his age. He is

frequently spoken of by Cicero in conjunction with C. Fabricius Luscinus and M'. Curius Dentatus as a pattern of primitive Roman virtue and simplicity (de sen. § 43, de am. § 18, § 39, de nat. deor. II § 165, Brut. § 55). According to Tacitus he was a native of Camerium (Ann. XI 24), and Orelli (Onomast. p. 199) thinks that Cicero must have committed a σφάλμα μνημονικὸν in speaking of him as a Tusculan by birth, though Ellendt imputes the error to Tacitus (n. on de orat. III § 56), while Wunder thinks that the Tusculans conferred the franchise on him, as the burgesses of Tarentum did on Archias, see or. p. Arch. § 5. Though only a *novus homo* (de sen. § 15) he was promoted to all the chief offices of state, to the consulship A. U.C. 474 = B.C. 280, when he crushed an insurrection in Etruria, the censorship in B.C. 270. In B.C. 254 he was made *pontifex maximus*, being the first plebeian raised to that dignity, and in B.C. 246 he was appointed dictator for the purpose of holding the comitia in the absence of the consuls. Cicero often praises him and speaks of him as one of those whose greatness was owing to a special Providence, de nat. deor. II § 165 *quorum neminem nisi iuvante deo talem fuisse credendum est.* He is described as *peritissimus pontifex* (de domo § 139, cp. de nat. d. I § 115, III § 5, de leg. II § 52), as *disertus* (Brut. § 55), and *sapiens* (de orat. III § 56, § 134); cp. also or. p. Sull. § 23.

l. 2. **de tot Fulviis**] The Fulvia gens was plebeian, but one of the most illustrious of the Roman gentes. The principal families in it were those of Flaccus, Nobilior, Centumalus, Paetinus and Curvus. To the last belonged L. Fulvius Curvus, who was the first of the gens who rose to be consul, B.C. 322. Cf. Plin. nat. hist. VII 43 *est et L. Fulvius inter insignia exempla: nam Tusculanorum rebellantium consul eodem honore cum transibat, exornatus est confestim a P. R. qui solus eodem anno, quo fuerat hostis, triumphavit ex iis, quorum consul fuerat.*

The last Fulvius who enjoyed a well-earned reputation scarcely reached to Cicero's time, having been consul B.C. 125. He was the first who subdued the Transalpine Ligurians, over whom he celebrated a triumph B.C. 123. Fulvia, the wife of Antonius, was the daughter of M. Fulvius Bambalio, a member of this gens, hence Cic. (Phil. III § 16), in reply to the taunt of Antonius that Octavian's mother was a native of Aricia, says '*si Aricinam uxorem non probas, cur probas Tusculanam?*'

at in quemcumque—audiendum] *modeste de se, sed de* C. Mario multo uberius et rectius (erectius, i.e. fidentius, liberius OR); ex quo etiam suo honori plurimum dedit, de quo aliquando demissius et verecundius dixerat. SCHOL. VATIC.

l. 3. **Arpinatem**] native of Arpinum, which was an ancient town of the Volscians to the east of Rome near the junction of the Liris and Fibrenus (de legg. II § 3). It was taken from the Volscians by the Samnites, and from them B.C. 305 by the Romans. In B.C. 302 it was made a *municipium sine suffragio*, and it was not until A.U.C. 563 = B.C. 189 that, with Fundi and Formiae, it received the *civitas*, when

its *municipes* were enrolled in the Cornelian tribe, Liv. XXXVIII 36. It is chiefly celebrated as being the birth-place of C. Marius and Cicero, see below l. 4 n. Cicero constantly speaks in his works of his native Arpinum, whose inhabitants he describes as rustic and simple in their manners, with the virtues of mountaineers, and applies to it the lines in the Odyssey (IX 27) about Ithaca

τρηχεῖ' ἀλλ' ἀγαθὴ κουροτρόφος, οὔτ' ἂρ' ἔγωγε
ἧς γαίης δύναμαι γλυκερώτερον ἄλλο ἰδέσθαι

(ep. ad Att. II 11 § 2). He inherited from his father an estate on the banks of the Fibrenus, and his favourite villa was on an island formed by that river.

nolis] sc. *audire.*

l. 4. **aliquid**)(*nihil*, 'something or other,' no matter of what kind, provided it is something and not nothing; a modest expression; cf. § 24, and on de off. III § 37 l. 6. On the position of *etiam*, Garatoni compares Brut. § 310 *commentabar declamitans...; idque faciebam multum etiam Latine, sed Graece saepius.* **C. Mario**] Cicero often names Marius as his fellow-townsman; or. p. Sest. § 50 *divinum illum virum atque ex isdem, quibus nos, radicibus natum...C. Marium*, § 116, or. p. Sull. § 23, de legg. II § 6 *recte posuit* (*Pompeius*) *remp. nostram iustissimas huic municipio* (Arpino) *gratias agere posse, quod ex eo duo sui conservatores extitissent.* Cf. also Juv. Sat. VIII 245.

l. 5. **primum igitur hic cet.**] 'accordingly he (Plancius) had in the first place the advantage of fervent partizanship on the part of his fellow-townsmen; you no greater than could be expected from men who have already had state-offices enough and more than enough. Secondly, your fellow-townsmen are very highly distinguished men, it is true, but yet they are relatively few in number as compared with the people of Atina.'

l. 6. **tanta quanta**] cum vi deminuendi, 'just so great and no greater than,' 'neither more nor less in degree than,' cp. § 61 l. 15, de off. I § 11 l. 13 *tantum quantum sensu movetur*, Tusc. I § 29 *tantum sibi persuaserant quantum natura admonente cognoverant* with Kühner's note.

§ **21**, l. 7. **tui municipes—pauci**] etiam hic Atinatium suffragia praetulit Tusculanis, cum illi et pauci et invidi, hi vero et plures et benigni. SCHOL. VATIC. On the use of *quidem* with a personal pronoun, when a concession is made but immediately qualified by an adversative clause, see Kenn. Gr. p. 285, Madvig Gr. § 480 b, and n. on de off. I § 2 l. 14. *splendidus* is a standing epithet of Roman equites, cf. Verr. II 2 § 69, 4 § 49, and above § 12 l. 22.

l. 8. **si quidem**] not causal = 'since' but 'if indeed,' cf. de off. I § 72 l. 6 with my note, III § 53 l. 19.

l. 9. **huius**] sc. Plancius. **virorum fortissimorum**] 'of most honourable men.' Paul. ex Festo p. 84 ed. 2 Müll.: Forctis frugi et bonus.

l. 10. **frequentior**] 'more populous,' cf. or. Phil. II § 106 *obviam ei processit, ut est frequens municipium, magna sane multitudo.* **quam quidem nunc—vobis**] Miscuit (a Greek word to be supplied) non tantum quo doceretur iudex, verum etiam quo moveretur. adfectus enim coloravit ad misericordiam secundum Plancium permovendam ex habitu civium luctuoso, quasi ipsi sollicitudinem et modestiam (molestiam, OR) pro suo cive susceperint. SCHOL. VATIC.

l. 11. **in squalore et luctu**] 'in shabby apparel and mourning.' Both words refer to the external sign of grief, the former to the neglect of dress and personal appearance, the latter to the action and gestures: on the custom referred to, see Ramsay's note on pro Cluent. § 18, and cf. or. p. Mur. § 20, Verr. II 5 § 128, or. pro Sest. § 32 *squalebat civitas veste mutata*, ep. ad Att. III 10 § 2, or. p. red. ad Q. § 8, below § 29.

l. 12. **tribuni aerarii**] These consisted of respectable and well-to-do people of the plebs, in earlier times charged with the raising of the war-tax (*tributum*) and the distribution of pay to the army. By the *lex Aurelia* B. C. 70 they formed a distinct *ordo* and shared the iudicia with the senators and equites. This judicial office was taken from them by Julius Caesar, Sueton. Caes. c. 41 *iudicia ad duo genera iudicum redegit, equestris ordinis ac senatorii; tribunos aerarios, quod erat tertium, sustulit.* See Smith dict. ant. p. 26 b, Madvig opusc. acad. II pp. 258—261, Halm ad Cic. Cat. IV § 15.

l. 13. **nam plebem cet.**] 'for as to the rank and file of the municipium, which were present to support him at his election, we have let them go from the court of justice (dispensed with their attendance at the trial).' On this elliptical use of *nam* see note on de off. II § 47, III § 84. It indicates, not the reason of what precedes, but the reason why what precedes did not include what is now added; I do not say the *plebs*, for &c. **comitiis**] sc. aediliciis, which took place just before the trial of Plancius. Wunder observes that the *lex Iulia* B.C. 90, by which the *civitas* was given to the *socii* and Latini, conferred on the inhabitants of the *praefecturae* the right of voting, which they had not before possessed.

l. 14. **roboris**, through the number of the voters, **dignitatis**, through their importance.

l. 15. **tribum Teretinam**] in which the burgesses of Atina voted. Cic. means that their votes did not carry the tribe directly in favour of Plancius, though indirectly they got him credit and importance, made him the object of general gaze, lent him a compact, strong and indefatigable body of supporters, and so influenced the voting of the tribe. 'Monet hoc,' says Wunder, 'propterea, quod tribum istam a Plancio corruptam esse Laterensis criminatus erat, de quo § 38 loquitur.'

l. 16. **oculorum coniectum praebuerunt**] effecerunt, ut alii oculos in Plancium conicerent eumque facilius suffragio suo iuvarent, quem viderent tot ac tam splendidorum hominum gratia florere. WEISKE. Cf. or. p. Sest. § 115 *vester in me animorum oculorumque coniec-*

tus, de orat. III § 222 *oculorum tum intentione tum remissione tum coniectu.* l. 16. **solidam**] 'firm,' 'sterling,' 'real.'

l. 18. **coniunctione—vicinitatis moventur**] eo quod vicinitate coniuncta sunt, i.e. quod vicina sibi sunt, magno opere impelluntur ut in omnibus rebus invicem se adiuvent. *W.* On the descriptive or definitive genitive cf. § 27 l. 26 n., § 30 l. 28, § 34 l. 20, § 72 l. 5, and see n. on de off. I § 152 l. 8, Kenn. Gr. p. 413. Madv. Gr. § 286 *obs.* 2, Roby Gr. II § 1302. By *nostra municipia* Cic. means Atina, Arpinum, Sora, Casinum, Venafrum and Allifae.

CHAPTER IX

§ **22**, l. 19. **expertus in nobis**] 'having experienced them in my own case,' 'from my own experience.' On this meaning of *in* see n. on de off. I § 46 l. 19. **sumus**] sc. nos Arpinates.

l. 21. **vicinitas**] cf. or. p. Sest. § 9 *non recito decretum officio aliquo expressum vicinitatis.*

officii rationem] 'debt of kindly duty.' The meaning of *ratio* in this phrase is seen from a passage in Verr. II 5 § 177 *ego mei rationem iam officii confido esse omnibus iniquissimis meis persolutam,* where *ratio* is evidently used of 'reckoning' and 'account,' cf. also or. p. Quinct. § 59 *antiquam officii rationem dilexit*, ib. § 40 *lubet mihi ex officii ratione rem ipsam considerare*, or. p. Cluent. § 117. The common reading is *officii morem*. See cr. n.

l. 22. **infuscata**] 'obscured, 'sullied.' The literal meaning is seen from Plin. nat. hist. IX 29, 45 *sepiae—effuso atramento infuscata aqua absconduntur.*

l. 23. **fucosa**] 'sham,' 'counterfeit,' 'spurious,' 'not genuine,' lit. 'painted,' 'beautified,')(*sincerus, verus, naturalis.* Cf. or. p. Rabir. Post. § 40 *merces fallaces et fucosae*, ep. ad Att. I 18, 2 *ambitiosae fucosaeque amicitiae*, Q. Cic. de pet. cons. IX 35 *ex fucosis firmi suffragatores evadunt*, where it means 'untrustworthy:' cf. the phrase ib. *fucum facere* 'to play tricks.' 'Verbum et hoc notabile inter alia quae sunt apud veteres rariora referendum est (Ἔγκλησις) adversus Tusculanos; ne hanc laudem nude impertiri Atinatibus arbitreris, quos ita extollit, ut illorum malevolentiam deprimat.' SCHOL. BOB.

non erudita artificio simulationis] 'not accomplished in the trick or knack of disguising one's real feelings.' Cf. div. in Caec. § 44 *numquam ille me...illo artificio pervertet.*

l. 25. **nemo Soranus**] 'no inhabitant of Sora,' modern *Sora*, the most northern town of the Volsci (Liv. X 1), from whom it was wrested by the Romans B.C. 345 (Liv. VII 28), and twice colonised by them, before B.C. 315, when the colonists were destroyed by the inhabitants, and in B.C. 303 after the close of the second Samnite war, from which time it became a *colonia Latina.* It is mentioned in the second Punic

war as one of the refractory colonies which in B.C. 209 refused any further contributions, and afterwards it lapsed into the condition of an ordinary municipal town. Juvenal (Sat. III 223) speaks of it as a quiet country town where good houses were cheap. It was situated in the valley of the Liris about six miles north of Arpinum.

nemo Casinas] 'no inhabitant of Casinum' (*san Germano*), the last town of Latium on the *via Latina* (Strabo v. p. 237), about five miles from the lower bank of the Liris. It was wrested from the Samnites and in B.C. 312 a Roman colony was sent there, Liv. IX 28. Livy (XXII 13) tells how Hannibal intended occupying it to prevent the consul Fabius from advancing on Campania, but was led by a mistake of his guide to Casilinum. Silius Italicus (bell. pun. XII 527) speaks of its springs :—

nymphisque habitata Casinis
rura evastantur,

and of its foggy climate (IX 227) :—

et nebulosi rura Casini.

It became a flourishing and opulent municipal town under the republic and under the empire. On the hill above it is the celebrated monastery of Monte Cassino, founded by St Benedict A.D. 529: and close to it are the remains of a small but perfect amphitheatre built at the private expense of Ummidia Quadratilla, of whom Pliny (ep. VII 24) gives an account.

Aquinas] 'inhabitant of Aquinum' (*Aquino*), a Volscian town on the *via Latina* between Fabrateria and Casinum, near the Liris, the birth-place of Juvenal (Juv. Sat. III 318—9 *quotiens' e Roma tuo refici properantem reddet Aquino*). It was a populous place (*frequens municipium* II Phil. § 106, μεγάλη πόλις Strabo V p. 237, *ingens Aquinum*, Sil. It. VIII 405). Cicero had a villa there (ep. ad fam. IX 24 § 1).

l. 26. celeberrimus] 'very populous,' 'much frequented,' the primary and only meaning of the word in Cicero, who does not use it in the sense of 'renowned,' or. p. Arch. § 4 *celebri urbe et copiosa*, where see Mr Reid's note. **Venafranus**] Venafrum (*Venafro*), an ancient town of Campania, situated on a hill above the valley of the Vulturnus and on the via Latina, sixteen miles from Casinum. Its oil was celebrated as the best in Italy (Juv. Sat. V 86, Hor. Sat. II 4, 69, 8, 45, Od. II 6, 15, Varr. r. r. I 2 § 6 *quod vinum* (conferam) *Falerno? quod oleum Venafro?* Plin. hist. nat. XV 2 s. 3). Its territory was one of those which the tribune Rullus proposed by his agrarian law to divide among the Roman citizens, cp. or. de leg. agr. II § 66. See Dict. Geogr. II p. 1270.

Allifanus] of Allifae (*Alife*), a city of Samnium (Strabo p. 238, Liv. VIII 25, XXII 18) in the valley of the Vulturnus, at the foot of the *Monte Matese* and on the borders of Campania. It was celebrated for the manufacture of large drinking-vessels, Hor. Sat. II 8, 39 *invertunt Allifanis vinaria tota Vibidius Balatroque.*

l. 27. aspera—regio] Arpinum lay on one of the Volscian hills above the valley of the Liris; de legg. II 2 *nihil in his locis nisi saxa et montes cogitabam*, Att. II 11 2 where Cic. applies to it the line from the Odyssey τρηχεῖ' ἀλλ' ἀγαθὴ κουρότροφος.

l. 30. publice cum testimonio] 'to give evidence, as publicly commissioned.' Cf. Verr. II 4 § 9 *neminem qui cum potestate aut legatione in provinciam esset profectus*, I § 7 *videt etiam tot graves ab amicissimis civitatibus legationes cum publicis auctoritatibus ac testimoniis convenisse*, or. p. Cael. § 5 *idemque nunc lectissimos viros et nostri ordinis et equites Romanos cum legatione ad hoc iudicium et cum gravissima atque ornatissima laudatione miserunt*. See cr. note.

nunc] at his trial)(**tum**, at his election. **sollicitudine**, the descriptive abl., Madv. Gr. § 272 *obs.* 2, Roby Gr. II § 1232, § 1309.

P. 10, § 23, l. 1. non solum—genere] Nägelsb. lat. Stil. p. 182 remarks that Cicero uses not only *in omni genere* for 'in all respects,' 'in everything,' as in de rep. II § 35 *ut in omni genere huius populi consuetudinem videretur imitatus*, ep. ad Qu. fr. II 2 § 4, ad Att. XVI 15 § 2, XII 33 § 2, de dom. § 116, de orat. II § 4, Qu. Cic. de pet. cons. XIV 54, but also *in isto genere* 'in that respect' de dom. § 14, *in eo genere* de orat. III § 168, to which may be added *in aliquo genere* de or. II § 17. But here Plancius is said to be superior to Laterensis in the different character, type, of the *municipium* to which he belonged; otherwise *municipiorum* would have been used.

l. 2. nisi forte] 'unless perchance,' 'except on the supposition that,' used (with the indicative) ironically to introduce a possible case, as an afterthought, which is however absurd and inadmissible, cp. § 70 and see Zumpt Gr. § 526, and cf. Verr. II 3 § 186, de fat. § 37, de sen. § 33.

Labicana] of Labici (Liv. II 39, IV 45) or Labicum (*Colonna*), an ancient city of Latium, at the north-east foot of the Alban hills, about fifteen miles south-east of Rome, west of Praeneste and north-east of Tusculum. It was a member of the Latin league, and as such retained down to a late period the right of participating in the sacrifices on the Alban Mount (Dionys. V 61). In common with Corbio and Gabii, it is frequently mentioned as a place of great importance in the history of the Aequian wars of the third and fourth centuries of the city (Liv. II 39, Dionys. VII 19). A colony was sent to it about B.C. 418 (Liv. III 25, IV 45—47, 49). Vergil places it by a prolepsis among the towns allied to Latinus, Aen. VII 796 *et Sacranae acies et picti scuta Labici*. It is referred to again by Cic. or. de leg. agr. II § 96 in conjunction with Fidenae and Collatia as a petty municipium in a poor and decayed condition. See Burn's *Rome and the Campagna* p. 380 f.

l. 3. Gabina] of Gabii, which was another city of Latium, a colony of Alba (Verg. Aen. VI 773), situated midway between Rome and Praeneste on the edge of the Lago di Pantano, in the district of Castiglione. It was one of the largest and most populous members of

the Latin league (Dionys. IV 53). Tarquinius Superbus captured it by stratagem (Liv. I 53, 54, Ovid Fast. II 690—710). The treaty then concluded between Rome and Gabii is one of those alluded to by Horace (Epist. II 1, 25) as *foedera regum cum Gabiis vel cum rigidis aequata Sabinis,* and was preserved in the temple of Jupiter Fidius at Rome (Dionys. IV 58). Thenceforward it is rarely mentioned in history, and its state in republican times was that of a paltry municipal town. Horace (Ep. I 11, 7 *Gabiis desertior atque Fidenis vicus*) and Juvenal (Sat. III 192, X 100) sneer at its decay and dreary condition. Cf. Propert. V 1, 34 *et qui nunc nulli maxima turba Gabi,* and Lucan Phars. VII 392 *Gabios Veiosque Coramque pulvere vix tectae poterunt monstrare ruinae.* On the *lapis Gabinus* and *cinctus Gabinus* see Burn l.c. p. 382, E. H. Bunbury Dict. Geogr. I p. 921.

Bovillana] of Bovillae, which also was a colony of Alba Longa, and lay on the Appian Way about 10 miles from Rome. It was one of the thirty cities which in B.C. 493 composed the Latin league (Dion. V 61) and was a flourishing place until its destruction by Coriolanus. It was at Bovillae that Clodius was assassinated by Milo (Appian B.C. II 21), hence Cic. ep. ad Att. V 13, § 1 speaks of *pugna Bovillana.* Burn l. c. p. 369, E. H. Bunbury l. c. I p. 426.

l. 4. vix iam, qui carnem Latinis petant, reperiuntur] 'there are now-a-days scarcely any found to go for their share of the flesh (i.e. of the victim sacrificed to Jupiter Latiaris) at the *Latinae feriae.*' As every city, which was a member of the Amphictyonic council, received a portion of the victim offered at the opening of each session, so the cities which formed the Latin league each sent envoys to receive and bring back portions of the victim offered in sacrifice at the opening of the great festival. Cf. Liv. XXXII c. 1 § 9 *feriae Latinae pontificum decreto instauratae sunt, quod legati ab Ardea questi in senatu erant sibi in monte Albano Latinis carnem, ut adsolet, datam non esse.* 'Oppida commemoraverat Lavicanum et Gabinum et Bovillas prope iam vacua et populi exiguitate deserta, quae Laterensem non tantopere suffragiis suis potuerint adiuvare. Quod vero mentionem petendae carnis fecit, pertinet ad consuetudinem sacri anniversarii, nam latinae feriae a quo fuerint institutae, dissentiunt plerique auctores. Alii ab L. Tarquinio Prisco rege Romanorum existimabant, alii vero a Latinis priscis. Atque inter hos ipsos causa sacrificii non convenit. Nam quidam id initum ex imperato Fauni contendunt. Nonnulli post obitum Latini regis et Aeneae, quod ii nusquam comparuerant. Itaque ipsis diebus ideo oscillare instituerunt, ut pendulis machinis agitarentur, quoniam eorum corpus in terris non esset repertum, ut animae velut in aëre quaererentur. Feriarum latinarum sacrificio solebat hoc observari, ut hostiae civitates adiacentes portiunculas carnis acciperent ex Albano monte secundum veterem superstitionem. Verum tam exiguum in illis civitatibus numerum hominum significat, ut desint etiam qui carnem petitum de sollemni more mittantur.' SCHOL. AMBROS. On the *Latinae feriae* see Dict. Antiq. p. 529 b.

Latinis] abl. of time, see Zumpt Gr. § 475 *note*. For the omission of *feriae* cp. ep. ad Attic. I 3 § 1 *quod verita sit ne Latinae in officio non manerent* (where however some supply *civitates*, see Prof. Tyrrell's note Vol. I p. 18), ep. ad Quint. fr. II 4, 4 *nam etiam Latinae instaurantur*, Hor. Epist. I 7, 75 *iubetur rura suburbana indictis comes ire Latinis*, Liv. V 17, 2 *magistratus vitio creatos Latinas sacrumque in Albano monte non rite concepisse*, ib. 19, 1 *iam ludi Latinaeque instauratae erant*, XXV 12, 1, XXXVII 3, 4, XLIV 19, 4.

l. 5. **patrem publicanum**] sc. esse. 'Transitus fit ad quaestiunculam, qua humilitas generis obiciebatur Plancio, ut eapropter elargitus pecuniam videretur, quoniam consequi aedilitatem familiae suae dignitate non posset. Publicanorum itaque Tullius ordinem necessario adserit, qui tunc ex equestri ordine accedebant ad vectigalium redemptionem.' SCHOL. AMBR. The publicani or farmers of the public revenues (*vectigalia*) had become a body of importance as early as the second Punic War (Liv. XXIII 48, 49), and their numbers, wealth and influence increased with the extension of the Roman empire and the increase of its revenue. The *societates*, or joint stock companies, by which they were enabled to carry on the undertaking of farming the revenues of a large province, were composed chiefly of members of the *ordo equestris*, who were in reality the class of monied men. In fact, the *Equites*, as a body, may be said to have had a monopoly of this department of mercantile speculation; and in all matters relating to the collection of the public revenue *Equites* and *Publicani* became convertible terms. The *Publicani* were always treated with great respect; and by Cicero, who had, however, a special object in view, they are complimented in the most high-flown language in the present passage. Ramsay Rom. Ant. p. 238, Dict. Ant. p. 972 ff.

l. 6. **in honore**] sc. petendo.

quanto adiumento sit] predicative dative; cf. above § 5 l. 5, § 13 l. 13, Roby Gr. II p. XXXVII, XLVI, or. p. Balbo § 19 *ut hominis ipsius ornamenta adiumento causae potius quam impedimento esse malitis*.

l. 9. **continetur**] 'consists of' or 'is comprised in.'

§ **24**, l. 10. **neque iniuria**] i.e. studium eorum erat singulare, 'and not undeservedly,' 'not without reason,' ep. ad Qu. fr. III 8 § 6 *hoc horret Milo; nec iniuria*, Ter. Hautont. III 3, 20 CH. *pudet me*. SY. *credo: neque id iniuria*.

vel quod erat pater is—supplicabat] cumulavit gratiam suffragantis de paterno etiam favore, cui publicanorum societas adfuerit, ut filius eius ad optinendam aedilitatem potius adiuvaretur. SCHOL. AMBR.

l. 11. **princeps—publicanorum**] director of one or more of the *societates* or companies of *publicani* for farming the taxes, cf. § 32 l. 26.

l. 12. **ab sociis**] 'by the partners in his *societas* or joint stock company,' not, as Manutius takes it, 'the provincials.' Cf. § 34 l. 21.

l. 13. **huius ipsius**] sc. Plancius.

l. 14. **quaesturae—tribunatus**] cf. Intr. § 5.

l. 15. **illi**] sc. equites Romani.

l. 16. **consulere liberis suis**] 'that they were advancing the interests of their own children,' because the elevation of a member of their *ordo* to the Aedileship would be a precedent and encouragement to them. Cf. § 89 l. 16, § 92 l. 31.

CHAPTER X

l. 17. **aliquid attulimus**] 'have contributed something.' Cf. § 20 l. 4 n. 'Necessario temperavit, gratiam suam non mediocriter Plancio profuisse, quando vir consularis testimonium beneficiorum in se conlatorum perhibens (pro?) candidato multum potuerat promovere. Hoc vero ne esset insolens et superbum, praemisit adlegationem verecundae timiditatis.' SCH. AMBR.

l. 18. **gratia—potentia**] with superiors in rank, standing, etc., over inferiors. Cf. or. p. Caec. § 73 *quod neque inflecti gratia neque perfringi potentia neque adulterari pecunia possit*, Verr. I § 15, or. p. Mur. § 59. For *potentia vix ferenda*, cp. de off. III 36 *potentiae non ferendae, regnandi...cupiditates*.

l. 19. **beneficii**] sc. in me collati.

l. 20. **appellavi populum tributim**] 'I solicited the people tribe by tribe,' Intr. § 12. Cf. Hor. Sat. II 1, 69 *primores populi arripuit populumque tributim*, i.e. singulis ex tribubus quos notaret delegit, ep. ad Att. IV 16 § 7 *populo tributim domi suae satis fecerat* sc. nummis per divisores tribuum distributis.

l. 21. **summisi me et supplicavi**] sc. populo, 'I condescended to become a suppliant.' Cf. Lael. § 72 *ei, qui superiores sunt, submittere se debent in amicitia* i.e. 'to let themselves down,' 'to be modest.' 'Admirabiliter nec humilem se fecit in precibus, nec tamen plurimum adiuvisse testatus est. Sic et pro reo satis causae facit, et dignitatis suae ornamenta custodit, dicendo; non defuisse preces suas, quibus populus verecunde obsecutus sit, ultro se etiam offerens gratiae referendae ad eum promptissime designandum, cui vir tam bene de re p. meritus suffragaretur.' SCHOL. AMBR.

ultro se—offerentis rogavi] § 26, l. 3, Quint. inst. or. VII 1, 50 *iam se illa vel ultro offerent argumenta*, Liv. XXVII 46, 3 *offerentibus ultro se militibus*, Planc. ap. Cic. ep. ad fam. X 21, 1 *omnia ei et petenti recepi et ultro pollicitus sum*, ep. ad fam. XI 8, 2 *Romae delectus habetur, si hic delectus appellandus est, cum ultro se offerunt omnes* i.e. 'when all present themselves unpressed.' Gr. ἐπαγγέλλεσθαι.

l. 22. **valuit causa rogandi, non gratia**] 'it was the motive of my request, not my influence which prevailed.'

§ **25**, l. **23. nec, si—ego sum adrogans**] 'and it does not follow that I am presumptuous because etc.' Kenn. Gr. § 218, p. 473.

l. **24. de aliquo non impetravit**] 'was not successful in his suit for some one.' The person meant is T. Ampius Balbus, tribune of the plebs B.C. 63, the year of Cicero's consulship, who proposed that Pompeius (*vir amplissimus cet.*), then absent from Rome, should on account of his Asiatic victories be allowed to wear a crown of bay-leaves and all the insignia of a triumph at the Circensian games, and also a crown of bay-leaves and the praetexta at the scenic games, Vell. Paterc. II 40: *ut is* (*Pompeius*) *ludis Circensibus corona laurea et omni cultu triumphantium uteretur, scaenicis autem praetexta coronaque laurea.* Pompeius showed his gratitude to him by supporting him in his candidature for the aedileship, in which, however, he was then unsuccessful, though he obtained the praetorship in B.C. 58. In the civil war B.C. 49 he showed himself so strong a partisan of the Pompeian party, that his enemies called him *tuba belli c.* (Fam. 6. 12). He was banished by Caesar, but afterwards obtained his pardon through the intercession of Cicero, who wrote him a letter on the occasion ep. ad fam. VI 12. W. Ramsay, Dict. of Biogr. I p. 455.

'Sagacissime animadvertit, quid a parte diversa posset opponi: non mirum, si (non) nihil pro Plancio Tullius valuisse videatur, cum pro alio sibi coniunctissimo candidato vir potentissimus nihil promoverit, cum illi designando studeret. Significare autem candidatum videtur T. Ampium, suffragatorem vero Cn. Pompeium: de quibus tam se quam Pompeio sic vult accipi Tullius suspicionem, ut ipse quidem pro Plancio valuerit miserabiliter et demisse petendo; Pompeius non item pro Tito Ampio, utique pro sublimitate nominis et potentiae superbius hoc sibi aput populum vindicans.' SCHOL. AMBR.

l. **26. ut omittam illud cet.**] 'to say nothing of the fact that etc.,' a parenthetic final clause, Kenn. Gr. p. 458, cp. note on de off. III § 95.

l. **27. rogatio ipsa semper est gratiosissima cet.**] 'the act of soliciting a vote in itself (independently of who the canvasser may be) is always most efficacious, appeals most to the feelings, when it is most based upon the claims of friendship; for I did not solicit in such a manner as made it appear that I was canvassing for him, merely because he was a personal friend or a neighbour or because I had always been on the most intimate terms with his father, but as for one who might be said to be the saviour of my life. It was no influence of mine, but the motive of my request that won the hearts of men. Not a man was glad at my restoration from exile, not a man was grieved at the wrongs I endured, who has not felt gratitude for the pity Plancius had on me.'

l. **28. officio necessitudinis**] 'the obligation arising from close connexion.' This is the genitive of possession or relation, Nägelsb. lat. Stil. § 100 p. 275. Cf. § 72, § 74, or. p. Mur. § 73, div. in Caec. § 14, or. p. Sest. § 10 *officium vicinitatis*.

l. 30. huius parente] § 102 l. 33.

l. 31. quasi parenti et custodi salutis meae] cf. or. p. Sest. § 144 *video Milonem custodem salutis meae*, ib. *deum ac parentem fortunae ac nominis mei*, or. p. red. in sen. § 8 *P. Lentulus, parens ac deus nostrae vitae, fortunae, nominis.*

P. 11, l. 1. cui non—fuerit] the subjunctive in an adjectival consecutive clause, see Kenn. Gr. p. 456.

in me] i.q. *erga me*, in which sense *in* usually follows nouns and verbs, rarely adjectives.

§ 26, l. 3. ultro offerebant] § 24 l. 21.

l. 4. nomen meum absentis] Kenn. Gr. p. 412, 6.

honori fuisset] § 23 l. 6, § 27 l. 17.

l. 5. an Minturnenses—miraris] *an* goes with *miraris*, the antithesis (*Minturnenses coloni—versantur*), which serves as a foil to bring out the thought and which we should bring in as a subordinate clause by 'while,' 'whereas,' being coordinated as a main clause; just as in Greek such antitheses are regularly introduced by *μέν* and *δέ* (Buttmann Gr. Gr. p. 396 ed. 1833). See Madv. Gr. § 438, my n. to de off. I § 114 l. 17 and cp. below § 41 l. 32 n. The train of thought is as follows: 'or is it the case that, while the people of Minturnae are immortalised for affording shelter to Marius in his exile, you are surprised at Plancius being honoured as he was for the protection he accorded me?' 'Iam narratum a me hoc exemplum plenissime scio de C. Mario, qui Sullanis armis cedens cum filio in Minturnensium paludibus latuit. Inde emissus, quoniam non potuisset occidi, navigio impositus in Africam pervectus ad usque dirutae Kartaginis fines. Inde armis Cinnanis in Italiam restitutus, et adeptus denique septimum consulatum.' SCHOL. AMBR.

Minturnenses] the people of Minturnae, which was a city of Latium, on the via Appia, on the right bank of the Liris, on the borders of an extensive marsh, about three miles from the sea (Strab. v. p. 233). A *colonia maritima* with the rights of Roman citizens was established there in B.C. 296 (Liv. x 21, Vell. Pat. I 14). In B.C. 88 C. Marius, when flying from Rome by sea, was compelled to put in at the mouth of the Liris, and, endeavouring to conceal himself in the marshes, was dragged from thence and imprisoned by order of the magistrates of Minturnae, who however afterwards released him and put him on board a ship which conveyed him to Africa. Cf. or. p. Sest. § 50 *memineram, iudices, divinum illum virum...C. Marium, cum vim prope iustorum armorum profugisset, primo senile corpus paludibus occultasse demersum, deinde ad infimorum ac tenuissimorum hominum Minturnis misericordiam confugisse, inde navigio perparvo in oras Africae desertissimas pervenisse*, or. in Pis. § 43 *C. Marius, quem Italia servata ab illo demersum in Minturnensium paludibus, Africa devicta ab eodem expulsum et naufragum vidit*, post red. ad Quir. §§ 19, 20, de fin. II 105, Plutarch Mar. c. 36—39 p. 426 B—428 D ed. Paris, Appian

B. C. I 61, 62, Vell. Pat. II 19, Val. Max. I 5 § 5, II 10 § 6, Juv. X 276 *exsilium et carcer Minturnarumque paludes...hinc causas habuere.*

l. 7. **tecto receperunt**] 'gave him shelter.' **fluctibus**] sc. fluctuum agitatione. W.

l. 8. **viaticum congesserunt**] 'contributed,' 'provided him with, journey money.'

l. 9. **ominibus—prosecuti sunt**] Landgraf compares or. in Pis. § 31 *egressum ominibus prosequebantur.* See cr. n.

l. 11. **vel vi pulsum vel ratione cedentem**] prudenter hoc suspendit, ne aut damnatus aut exul fuisse umquam videretur. Et vis enim proprior est iniuriae quam accusationi, et ratio, qua se dicit maluisse urbe recedere, respectum habuisse potest utilitatis publicae, ne periculosa multis seditio moveretur. SCH. AMBR. Cic. states his reason for leaving Rome in §§ 86—93; we have also a full account of the motives of his retreat in his speech *post reditum in senatu* cc. xiii, xiv § 32—§ 36, and or. p. Sest. § 38—§ 44.

l. 12. **his**] sc. iudicibus, cf. § 71 l. 25.

l. 13. **ut haberent quem reducerent**] 'that they might have one to restore from exile;' both clauses are final. The fourth clause with *conservarit* sums up the three preceding, Nägelsb. lat. Stil. p. 492.—**hanc fidem**, sc. in recipiendo, **misericordiam**, sc. in iuvando, **virtutem**, sc. in custodiendo et conservando.

CHAPTER XI

§ **27**, l. **15**] **vitia me hercule—mirere**] 'any faults, forsooth, of Plancius might have been screened by such facts as I have been speaking of: (this I say), that you may not be surprised (so much the less should you be surprised) that in such a career, as I am now going to tell you about, he had so many and such material aids to further his election.' The connexion of thought seems to be this: You may perhaps be surprised at the importance and number of the circumstances in my client's favour, which helped him to get the aedileship, that I have yet to record; all that I have hitherto spoken of would certainly be enough to throw a veil over his failings, if it were required. On the use of *potuerunt* in conditional language see Zumpt Gr. § 519 f., Roby Gr. II § 1535, Madv. Gr. § 348 e obs. 1.

l. 16. **ne tu mirere**] not=*noli mirari* (see Kenn. Gr. p. 341), but a final clause to be explained by some such ellipse as id quod eo consilio dictum volo, ne. See Nägelsb. lat. Stil. p. 514.

l. 17. **huic**] sc. Plancio. **honori fuisse**] above § 26 l. 4. **hic est enim, qui—dilectus est**] ante actae vitae officia recensentur quadam subiecta ἀναδιπλώσει numerante oratore, quibus locis quibusque tempo-

ribus et cuiusmodi virorum iudicio Cn. Plancii mores comprobati sint. Quod ipsum statim vigilanter erga personam Torquati facit, cuius gravitatem et sanctimoniam non otiose testificatus est, sed quo magis Plancius ornaretur, quem familiariter ille dilexerit. Et quoniam Torquatus idem praesens non erat, in eius patruelem conferendam putavit vicem testimonii, ut perinde haberetur, atque si adesset is, cuius validior esset auctoritas. SCHOL. AMBR.

l. 18. **A. Torquato**] Aulus Manlius Torquatus was propraetor in Africa A.U.C. 677=B.C. 78. Of his first cousin (*frater patruelis*) and father-in-law Titus Manlius T. f. Torquatus, who bore witness on behalf of Plancius, Cicero thus speaks in the Brutus § 245: *T. Torquatus T. F. et doctus vir ex Rhodia disciplina Molonis, et a natura ad dicendum satis solutus atque expeditus, cui si vita suppeditavisset, sublato ambitu consul factus esset, plus facultatis habuit ad dicendum quam voluntatis.*

l. 19. **sic dilectus est ut**] cp. § 28 l. 1, or. p. Sest. § 5 *sic hunc diligit ut potestis iudicare*, i.e. 'you may judge how fond is he of him.' **sanctissimo**] § 12 l. 30, § 32 l. 27, or. p. Sest. § 6.

l. 20. **contubernii necessitudo**] 'the intimacy arising from living together.' Ita tunc mos erat, ut adulescentes quotidiano convictu et sermone clarorum virorum administrandae reip. scientiam perciperent. Sic L. Gellius C. Carbonis in consulatu contubernalis fuit; v. Cic. Brut. § 105. Sic M. Caelius Q. Pompeio proconsuli contubernalis in Africam est profectus; v. orat. pro ipso § 73. MANUTIUS ad or. pro Sull. § 34.

l. 24. **cum illo**] sc. A. Torquato. **laude**]='worth,' 'merit.'

qui est quidem] In this form *ille* is more usually inserted before *quidem:* cp. § 21 l. 7, § 52 l. 25, or. Philipp. II § 6 *in illa querella misera quidem et luctuosa sed mihi...necessaria*, with Mayor's note.

vinculis propinquitatis, as first cousin, **adfinitatis**, as son-in-law. On the genitive see n. to § 21 l. 18.

l. 26. **necessitudinis causae**] =causae quae sunt positae in necessitudine, 'relations of close friendship,' the definitive genitive, on which see Madv. ep. cr. ad Orell. p. 79. Cf. § 21 l. 18, div. in Q. Caec. § 61 *nullam neque iustiorem neque graviorem causam necessitudinis posse reperiri quam coniunctionem sortis*, ib. § 6 *si mihi cum Siculis causa tantae necessitudinis non interesset*, or. p. Sull. § 23 *te a me pro magnis causis nostrae necessitudinis monendum esse etiam atque etiam puto*, or. p. Quinct. § 48 *is quicum tibi adfinitas, societas, omnes denique causae et necessitudines veteres intercedebant*, ep. ad fam. XIII 19 § 1 *cum Lysone Patrensi est mihi quidem hospitium vetus, quam ego necessitudinem sancte colendam puto; sed ea causa etiam cum aliis compluribus, familiaritas tanta nullo cum hospite.*

fuit in Creta—Q. Metelli] gratiosum fuisse videri poterat, si adseveraret eum Saturnino propinquo suo placuisse; maluit ad iudicium

Q. Metelli confugere, ut vere cognitis virtutibus Planci existimaverit adulescentem per omnia spectatissimum. Significat autem Q. Metellum, qui Creticus cognominatus est, bello apud Cretam feliciter gesto. SCH. AMBR.

l. 27. **Saturnini**] above § 19 l. 23, Intr. § 5. He served with his kinsman Cn. Plancius as quaestor under Q. Metellus, who, after being consul B.C. 69 with Q. Hortensius, obtained as pro-consul the conduct of the war against Crete, which he subdued in the course of two years, but in consequence of the opposition of Pompey did not celebrate his triumph until B.C. 65, when he received the *agnomen* of *Creticus*. His legate in the war was after B.C. 68 C. Sacerdos, who preceded Verres in the praetorship of Sicily B.C. 74, and was a candidate for the consulship at the same comitia in which Cicero and C. Antonius were elected, eighteen years before the delivery of this speech. L. Flaccus also, whom Cicero defended B.C. 59 against a charge of extortion in his province brought by D. Laelius in the oration which is still extant, had been legate to Metellus (or. p. Flacco c. 3, c. 26). Having served in Cilicia as tribune of the soldiers under P. Servilius B.C. 78, and afterwards as quaestor under M. Pupius Piso (§ 12) in Spain (pro Flacco § 6), he became praetor B.C. 63, the year of Cicero's consulship, when he obtained possession of the documents from the Allobrogian ambassadors, which they had got from the accomplices of Catiline. In the following year he was made propraetor of Cilicia.

huius] he was present in court as *advocatus* or *iudex*.

l. 31. **hunc**] sc. Plancius.

assiduitate] explained by *adsident* § 28 l. 3, 'unceasing attendance during the trial as *advocati* of Plancius. Cp. below § 67 l. 29, or. p. Sest. § 6 *hodie sic hunc diligit, ut vos facillime potestis ex hac vel assiduitate eius vel sollicitudine et molestia iudicare.*

§ 28, l. 32. **in Macedonia**] Intr. § 5.

P. 12, l. 1. **sic eum diligit, ut indicant**] we should say 'show how they love him,' see above § 27 l. 19 n.

l. 2. **cum missi sint**] 'although they have been sent.'

ob aliam causam] cum provinciae mandatis. W.

l. 6. **L. Apuleius**] L. Apuleius Saturninus, whose quaestor in Macedonia Plancius was. Cf. above § 27 l. 27, and n. to § 99 l. 22.

l. 7. **in parentum loco**] cf. div. in Q. Caec. § 61 *sic enim a maioribus nostris accepimus, praetorem quaestori suo parentis loco esse oportere*, ib. § 65, ep. ad fam. XIII 10 § 1 *satis commendatum tibi* (*tuum quaestorem*) *arbitrabar ab ipso more maiorum, qui hanc quaesturae coniunctionem liberorum necessitudini proximam voluit esse*; ib. 26 § 1, Mayor on Phil. II § 71 l. 27.

l. 8. **tribunus plebis fuit—esset tribunus**] nihil egerat in tribunatu suo Plancius aliqua praestanti laude dignissimum. Quin immo

6—2

etiam videbatur hac potestate segnius functus. Quoniam nullas ergo virtutes eminentissimas habuit, quas de illo praedicaret, idcirco aliquid ei volens adquirere ad suspicionem ignaviae repellendam 'non tam vehemens' inquit 'tribunus fuit quam ceteri.' Et vivaciter conclusit: 'quales si omnes semper fuissent, numquam desideratus vehemens esset tribunus;' id volens intellegi per seditiosos et turbulentissi*mos*... SCH. AMBR. Cum Plancium segnius tribunatu suo quam quosdam conlegarum functum Cicero negare non posset, laudem ei adquirere ex eo studet, quod nihil in tribunatu eiusmodi molitus sit, ut qui obsisterent tribunis vehementibus opus fuerit; recteque sane numquam futurum fuisse monet, ut tribuni vehementes desiderarentur, si omnes ut Plancius a rebus novis moliendis sese abstinuissent. Ita etsi scite et callide Planci tribunatum laudat, revera tamen minume nec potuit probare, cum illius anni tempora flagitarent, ut vehementis se tribuni praestarent, qui recte gubernasse remp. videri vellent, nec probavit umquam, ubi ex animi sententia de tribunis illius anni iudicium fecit. W.

l. 9. **quam isti**] the tribunes of the year B.C. 57, eight of whom were in favour of Cicero. The term *vehemens* was suitable to T. Milo and P. Sestius amongst them, because by their street fights they carried the return of Cicero, Intr. § 2. It was not applicable to any of the colleagues of Plancius of the year 56, amongst whom we know of L. Racilius, a friend of the cos. Lentulus, Antistius Vetus and P. Rutilius Lupus, an enemy of Clodius, and C. Cato and C. Cassius, both friends of Clodius. Laterensis indeed mentions Racilius § 77, but may have in his speech extolled the activity of the former tribunes, in order to depreciate the services of Plancius to Cicero by his description of them. KÖPKE

CHAPTER XII

§ 29, l. 12. **in scaena**]=in conspectu omnium, lit. 'on the stage i.e. of public life,' a proverbial expression, cf. Pseudo Cic. ep. ad Brut. I 9 § 2 *tibi nunc populo et scaenae, ut dicitur, serviendum est* i.e. 'you must live in the public eye,' de orat. III § 162, *quamvis sphaeram in scaenam, ut dicitur, attulerit Ennius*, ib. II § 338, de am. § 97, Hor. Sat. II 1, 71 *ubi se a vulgo et scaena in secreta remorant*, Ovid Trist. I 9 l. 48 *scaena manet dotes grandis, amice, tuas.*

si minus—at certe] 'if not—yet at least,' cf. § 35 l. 32, or. p. P. Quinct. § 97 *obsecravit ut aliquam, si non propinquitatis, at aetatis suae, si non hominis, at humanitatis rationem haberet*, or. p. Mil. § 93 *si mihi bona re publica frui non licuerit, at carebo mala.* Cf. Gr. εἰ μή—ἀλλά, Devarius de part. ed. Klotz, p. 6, p. 14.

l. 13. **ut vivat cum suis**] 'how he lives with his family.'

l. 14. **pietas**] 'filial duty,' here described as *fundamentum omnium virtutum*, in § 80 l. 6 as *voluntas grata in parentis.*

l. 15. **multo secus**] sc. ac deus.

l. 17. aequalem] 'of the same age.' **quid dicam]** sc. ut vivat.—**adfinibus**, 'relations by marriage,' Gr. κηδεσταῖς, **propinquis** 'kinsmen,' 'blood relations.'

l. 18. hoc] § 27 l. 27.

l. 19. quantam—fuisse creditis] 'how great must have been his anxiety, when, as you see,' &c. or. p. Rosc. Am. § 133 *quid praeterea caelati argenti...apud illum putatis fuisse?* ib. § 134, or. de imp. Pomp. § 32 *quam multas existimatis insulas esse desertas.*

cum videtis] = *eo quod videtis*, 'in that, when, you see,' 'by the fact of your seeing,' cf. § 39 l. 13, § 42 l. 12, Roby Gr. II 1729, Madv. Gr. § 358 *obs.* 2, de fin. I c. 4 p. 26—p. 27.

huius] sc. Planci, the gen. after *honoris* which is itself one of the two genitives after *cupiditatem*, the other being *cuius.*

cum videtis luctus societatem] Saturnini quanta honoris huius cupiditas fuerit, ex eo potestis conicere, quod, ut videtis, luctus socius est. W. Observe the *asyndeton* in *tot viris talibus.*

l. 22. veste mutata] cf. § 87 l. 18, or. p. Sest. § 26 *vestem mutandam censuit.* We learn from Dio Cassius (38 c. 14, 40 c. 46, 56 c. 31) that when the senate, as a mark of sorrow, changed their dress, this consisted in laying aside their official garb i.e. the *tunica laticlavia*, or tunic with a broad vertical stripe of purple in front, and assuming that of the Equites i.e. the *angusticlavia* (or tunic with a similar stripe but narrower), while the magistrates threw off their purple-edged cloak (*toga praetexta*) and appeared in the mantle of ordinary senators. The Equites would probably appear in a plain tunic and in black, and also leave off wearing their gold rings, while the populace disfigured themselves with dust and ashes and so appeared *sordidati*, cf. above § 21 l. 11, Ramsay *Rom. Ant.* p. 75.

l. 23. solida et expressa] 'substantial and real.' *Expressus* is 'drawn to the life,' lit. modelled)(*adumbratus*, and is very often applied by Cicero metaphorically, cf. de off. III § 69 *sed nos veri iuris germanaeque iustitiae solidam et expressam effigiem nullam tenemus*, or. p. Cael. § 12 *habuit ille* (*Catilina*) *permulta maximarum non expressa signa sed adumbrata virtutum*, Tusc. III § 3 *est enim gloria solida quaedam res et expressa, non adumbrata*, or. p. Arch. § 30 *effigiem expressam et politam*, de nat. d. I § 75 *illud video pugnare te, species ut quaedam sit deorum, quae nihil concreti habeat, nihil solidi, nihil expressi, nihil eminentis*, where see Mayor's n. de fin. V §§ 61, 62 *sed haec in pueris* (*adumbrantur*); *expressa vero in iis aetatibus, quae iam confirmatae sunt*, where see Madvig's note, Hor. A. P. l. 32 *faber unus et ungues exprimet et molles imitabitur aere capillos.* **non fucata forensi specie cet.]** 'not varnished and for outside show, but stamped with internal marks of genuineness.' For the opposition between *forensis* and *domesticus*, cf. de off. I § 4 l. 28 n.

l. 24. **domesticis inusta notis veritatis**] cf. Verg. Georg. III 158 *notas et nomina gentis inurunt*, Lucr. VI 219 *inusta vaporis signa*. *Inurere* is usually found in a bad sense 'to brand' i.e. 'to stigmatize,' as or. in Cat. I § 13 *quae nota domesticae turpitudinis non inusta vitae tuae est?*, or. pro Cluent. § 129 *is censoriae severitatis nota non inuretur?* Liv. IX 3, 13 *vivet semper in pectoribus nostris quidquid praesens necessitas inusserit*. The converse *exuri* is found in a metaph. sense in de nat. deor. III § 7. See J. B. Mayor's note *ad l.*

futtilis est illa occursatio et blanditia] 'those friendly advances and acts of compliments and courtesy to the people with which we are familiar (*illa*) are vain.' Cf. or. p. Mil. § 95 *senatus vestras et vestrorum ordinum occursationes studia sermones secum se ablaturum dicit*. The reading *futtilis*, first suggested by O. Müller in *Hermes* XII p. 301 a. 1877 is accepted by C. F. W. Müller and preferred by Landgraf on palaeographical grounds to Campe's *fallax*, though this is supported by § 22 and or. p. Mur. § 36.

l. 25. **aspicitur**] 'it meets the eye.' **attrectatur**, 'it is handled.' The figure is derived from paintings or other works of art.

l. 26. **excutitur**] 'is examined,' 'inspected,' metaphor from turning a (garment or) bag inside out, Gr. ἐκσείειν. Cf. Tusc. I § 88 *illud excutiendum est, ut sciatur quid sit carere;* or. pro Mur. § 26 *postea in manibus iactata et excussa inanissima prudentiae reperta sunt*, de off. III § 81 n, Plaut. Aul. IV 4, 19 (638) *agedum, excutedum pallium*.

§ 30, l. 27. **tam externis quam domesticis**] 'as well in public as in private life,' according to Wunder, but according to others 'outwardly and inwardly,' i. e. as well in outward qualities which make a man popular, though not necessarily an evidence of intrinsic worth, as in those of a higher and more sterling kind.

l. 28. **inferiorem quam te**] 'inferior to you.' Cf. de off. I § 116 *cum belli laude non inferior fuisset quam pater*, Brut. § 155 *ne qua in re inferior esset quam pater*, § 179 *in iure civili non inferior quam magister*, ep. ad Qu. fr. I 3 § 7 *gratia non inferior quam qui umquam fuerunt amplissimi*, or. p. Balbo § 42 *inferius esse suum foedus quam ceterorum*. **generis et nominis**] genitives of closer specification or descriptive genitives, dependent upon *rebus*, cf. or. p. Sull. § 21 *quod tandem regnum? consulatus, credo, mei*, Tusc. IV § 82 *in aliqua perturbatione aut metus aut laetitiae aut cupiditatis* and see Madv. Gr. § 286, Zumpt Gr. § 425, Kenn. Gr. p. 413, cp. above § 21, also my n. on de off. I § 152. Translate 'inferior to you in some points,—I mean, those of race and name.' Laterensis was superior to Plancius *genere* 'in birth,' ancestors of name, because his family had had the *ius imaginum* for some generations, and also *nomine* 'in distinguished name,' 'renown,' because both his father's and his mother's family were of consular rank: cf. or. in Verr. IV § 81 *cognatio studiorum et artium non minus coniuncta quam ista generis et nominis*, above § 18 l. 9 *est tuum nomen utraque familia consulare*. Cf. de rep.

III § 14 *cum certi propter divitias aut genus aut aliquas opes remp. tenent, est factio*, Hor. Sat. II 5, 8 *et genus et virtus nisi cum re vilior alga est*, Od. I 14, 3 *quamvis—iactes et genus et nomen inutile*, Verg. Aen. V. 621 *cui genus et quondam nomen natique fuissent*, Georg. II 240 *nec Baccho genus aut pomis sua nomina servat*.

l. 29. aliis] sc. rebus. **societatum]** § 32 l. 28.

l. 30. meorum temporum memoria] § 1 l. 5.

§§ 30—35. *The imputations cast by Laterensis on the life and character of Plancius shown to be groundless.*

l. 32. hunc vitae splendorem]=hanc tam splendidam vitam; the genitive of the corresponding substantive is frequently so used for a qualifying adjective, as *deformitas corporis* for *deforme corpus*, de off. III § 106, cf. below § 32 l. 21. *macula aspergere* is 'to cast a blot or slur upon, to attach a stain to,' Hor. Sat. I 4, 87 *e quibus unus amet quavis* (sc. ratione) *aspergere cunctos*, or. p. Cael. § 23 *istius facti non modo suspicione sed ne infamia quidem est adspersus*, ep. ad fam. VI 6 § 9 *eodem e fonte se hausturum intellegit laudes suas e quo sit leviter aspersus*. Cf. the slang use of the Greek word πλύνειν, 'to abuse,' Ar. Ach. 381, Demosth. adv. Boeot. p. 997, 24, and the French phrase *laver la tête à quelqu'un*.

iacis adulteria] lit. 'you throw out in speaking,' 'let fall,' 'hint,' 'lay to his charge.' Cf. Paradox. IV § 28 *iactam et immissam a te nefariam in me iniuriam semper duxi*, or. p. Sull. § 23 *in quem tu, cum cuperes, nullam contumeliam iacere potueris*, orat. § 87 *in iaciendo mittendoque ridiculo*, Tac. Ann. XI 13 *in feminas illustres probra iecerat*, ep. ad Att. II 7 § 4 *illud quod iacis obscure*, i.e. 'the dark hint which you throw out,' Liv. II 45 *in novitatem generis qua falsa qua vera iacere*, or. p. Flacc. 35 *quod unus sine auctore iecerit*.

l. 33. quae nemo non modo nomine, sed ne suspicione quidem possit agnoscere] obicis adulteria Plancio eoque appellas nomine, cuius significationem, ut verbi antea numquam usurpati, neque tenere quisquam potest neque divinando adsequi. W. The negative in *ne—quidem*, when followed by a common predicate (as here *possit agnoscere*), often extends its influence over a preceding clause, beginning with *non modo*. Key Gr. § 415, Zumpt Gr. § 724 *b*, Kenn. Gr. p. 326 *b*, Madv. Gr. § 461 *b*, de off. III § 77 l. 34 n.

P. 18, l. 1. bimaritum appellas] 'you call him *bimaritus* (a bigamist), and so you invent even words for his offences and not merely the offences themselves.' So *bivira* was invented by Varro.

l. 3. non crimen est cet.] 'is not a formal charge, but a reckless and lying libel.' *In mendacio maledictum*=praeterquam quod maledictum est, etiam falsum est. For this meaning of *impunitus*

'unrestrained,' cf. or. p. Scaur. 15 (Orelli p. IV p. 958 ed. 2) *dominus est ipse voluntatis suae, in quo est impunita mentiendi licentia.* See also de orat. I § 226 *tamen suum ius atque omnium rerum impunitam libertatem tenere debeat.*

l. 4. **raptam esse**] sc. dicis. **mimulam** 'a poor actress,' (whose profession was regarded as infamous, Mayor Juv. VIII 183—198, or. Phil. II § 58 l. 19), an ironical diminutive, on which see n. on de off. I § 41, II § 56, III § 73, § 89.

l. 5. **a iuventute**] 'by a body of youths,' who took advantage of the licence of the scenic games; cf. Liv. II 18 *eo anno Romae, cum per ludos ab Sabinorum iuventute per lasciviam scorta raperentur, concursu hominum rixa ac prope proelium fuit.* 'Ceterum iuventus ista oppidana iam veteris rei publicae tempore per singula municipia conlegia videtur constituisse, quae suos patronos, curatores, magistros quaestoresque habebant, ac diebus festis operam navabant ludis celebrandis. Saepius Iuvenes et Iuventus hoc sensu in lapidibus memorantur.' OR.

Atinae] § 19 l. 21.

l. 6. **iure**] 'privilege.' **oppidano**)(urbano, 'provincial.' Cf. Brut. § 242 *oppidano quodam et incondito genere dicendi,* Tac. Ann. VI 15 *Vinicio oppidanum genus,* XIV 17 *oppidana lascivia invicem incessentes probra.*

§ **31**, l. 7. **eleganter**] i.e. *honeste,* 'correctly,' 'blamelessly.' Cf. de sen. § 13 *quiete et pure atque eleganter actae aetatis,* Liv. XXXV 31, 14 *magnae ob eleganter actam vitam auctoritatis,* Brut. § 295 *nomine nos capis summi viri vitaeque elegantissimae verissimis laudibus,* ep. ad Att. VI 2 § 8 *ain tandem, Attice, laudator integritatis et elegantiae nostrae?* Tac. Ann. XIV 19 *celebris elegantia vitae,* i.e. 'for the refinement of his life,' V 8 *Pomponius multa morum elegantia et ingenio illustri,* or. p. Sull. § 79 *qui cum summa elegantia atque integritate vixistis,* where Halm has the following observation: 'Quid sit elegantia vitae, optime, opinor, intellegas, si reputaveris, quae elegantia sermonis dicatur. Ut enim haec in pura et incorrupta consuetudine cernitur (v. Brut. § 261), sic elegantia ad vitam translata de ea vita dicitur, quae omne quod in moribus vitiosum et corruptum videri possit, oderit et diligenter caveat, ne umquam ab honesto et decoro descivisse videatur.' On the meaning of *traducere* 'to spend' 'pass,' cf. Tusc. III § 25 *volumus hoc quod datum est vitae tranquille placideque traducere,* de sen. § 82 *otiosam aetatem sine ullo labore et contentione traducere,* Hor. Ep. I. 18, 97 *traducere leniter aevum.*

cum—reperiatur] 'although the act with which he is reproached was one which he had the privilege of committing (which he might have committed without infraction of the law), still even that is found to be falsely laid to his charge.' On *cum* concessive see Kenn. Gr. p. 480 § 225, Draeger hist. Synt. II p. 743, Madv. Gr. § 358 *obs.* 3, Roby Gr. II § 1730, n. to de off. II § 35, § 54.

l. 8. **emissus aliqui e carcere**] a Plancio, cum tribunus plebis esset. MANUTIUS. We must suppose these to be the words made use of by Laterensis in his speech.

l. 9. **et quidem**] 'true but,' 'aye and' = Gr. *καί—γε*, Roby Gr. II § 1623, Dräger hist. synt. II § 31, 13 p. 23. Cf. de fin. I § 35 *torquem detraxit hosti.—et quidem se texit, ne interiret*, where Madvig observes et annectit observationem, quidem ad eius potestatem attendi iubet, ib. II § 9 *aliud igitur esse censet gaudere, aliud non dolere.—et quidem, inquit, vehementer errat*, where the same critic notes 'concedit Torquatus et remotionem argumenti adiungit,' ib. § 78 § 81, Acad. II § 53, orat. § 168, or. p. Rab. Post. § 22, *at dioecetes fuit regius.—et quidem in custodia etiam fuit regia*, de legg. III § 24 *at aliquando incenditur.—et quidem saepe sedatur*, de nat. d. I § 100, Tusc. I § 9, III § 84, or. p. Caec. § 8, or. in Verr. v. § 5.

per imprudentiam] 'inadvertently.' Cf. orat. § 189 *versus saepe in oratione per imprudentiam dicimus*, ep. ad fam. III 10, 9 *in quo ne per imprudentiam quidem errare potest*, Verr. II § 57 *qui perperam indicassent, quod saepe per imprudentiam fit.* See n. on de off. I § 134 l. 6, Nägelsb. lat. Stil. p. 68.

l. 10. **necessarii hominis**)(alieni § 32 l. 31, one whose wishes could not be disregarded, whether a kinsman, friend, client or patron. **rogatu**] Zumpt Gr. § 90, Roby Gr. I § 397, where are given other instances of nouns of the fourth declension which are only found in the ablative.

l. 11. **praemandatis requisitus**] 'searched for by a warrant for his apprehension,' intended to reach the place of his retreat before his arrival. The word *praemandare* is omitted in Facciolati, Scheller and Smith, but not in Lewis and Short. It means, as Wunder *ad l.* defines it, *mandare ut aliquid curetur, prius quam confectio ipsius rei mandatae locum habeat.* Cp. Vatinius in Cic. ep. ad fam. V 9 § 2 *dicitur mihi tuus servus anagnostes fugitivus cum Vardaeis esse; de quo tu mihi nihil mandasti, ego tamen, terra marique ut conquireretur, praemandavi*, Plaut. Truc. II 4, 49 *mater ancillas iubet, quoniam iam decimus mensis adventat prope, aliam aliorsum ire, praemandare et quaerere puerum aut puellam, qui supponantur mihi.*

l. 12. **haec sunt coniecta maledicta in eius vitam, de cuius vos pudore—dubitetis**] 'these scandalous allegations (and they are the only ones) have been levelled against his life, that you may have misgivings about (to make you doubt) his honour, good manners, sense of duty and probity.' **de cuius pudore—dubitetis** is for ut de eius pudore—dubitetis. The present and not the imperfect subjunctive is used because *sunt coniecta* is the perfect absolute, not the historical perfect, Madv. Gr. § 335 a, Roby Gr. II §§ 1475—6.

CHAPTER XIII

l. 14. **obesse**] 'to be a presumption against,' § 23 l. 5. Plancius the elder had made himself disagreeable to the leading members of the senate, (Intr. § 4); therefore, according to the view of Laterensis, the intercession of the father in his son's behalf would be more likely to tell against him than in his favour.

pater—debet] quod de patre dicit, illud est; cum princeps esset publicanorum Cn. Plancii pater, et societas eadem in exercendis vectigalibus gravissimo damno videretur adfecta, desideratum est in senatu nomine publicanorum, ut cum eis ratio putaretur lege Sempronia, et remissionis tantum fieret de summa pecunia, quantum aequitas postularet, pro quantitate damnorum, quibus fuerant hostili incursione vexati. Adfuit igitur Caesar causae publicanorum. Caesaris desideriis contradixit pro vigore duritiae suae M. Cato, et diem totum prolixitate orationis suae occupavit, ut senatus decernendi spatium non haberet. Et id tempus ergo Laterensis denotaverat invidiosum Plancio esse debuisse, quominus fieret aedilis, quando pater eius quaedam liberius et exertius adversus quosdam primores senatus in publicanorum allegatione dixisset. Id revocat orator ad defensionem, licuisse dicens unicuique de suis iniuriis libere conqueri. SCHOL. AMBROS.

l. 15. **ut**] used of an impossible supposition put interrogatively, to express indignation or surprise, Madv. Gr. § 353 *obs.*, Roby II § 1708, Kenn. Gr. p. 438, Zumpt Gr. § 609. Cf. Verr. III 10 § 26 *iudicio ut arator decumanum persequatur?*, Cat. I § 22 *tu ut ullam fugam meditere? tu ut exilium cogites*, Tusc. II § 43 *egone ut te interpellem?* 'to think of my interrupting you!' **in iudicio capitis**] not only a trial for life but any trial which affects a man's standing as a citizen, his rights of liberty, citizenship and family (*libertatem, civitatem, familiam*), the loss of which was called *deminutio capitis*, s. my n. on de off. II § 50 l. 24.

l. 16. **in dimicatione fortunarum**]=de fortunis, 'in a struggle for his all.' Cf. § 77 l. 3 *vitae dimicationes* 'contests for life,' or. pro Mur. § 8 *in capitis dimicatione*, or. de prov. cons. § 23, or. p. Rab. perd. § 5 *in tanta dimicatione capitis, famae fortunarumque omnium*, or. p. Mil. § 100 *si quae vis est parata, si quae dimicatio capitis futura*, or. p. Balb. § 23.

l. 17. **qui**] sc. pater. **turpissimus** pertinet ad vitam et mores, **sordidissimus**, ad dignitatem generis et ordinis. WEISKE. Trans.: 'were he ever so morally depraved, ever so base-born.'

l. 18. **ipso nomine patrio cet.**] 'by his mere name of father he would have influence with merciful and considerate judges.'

l. 19. **communi sensu**] 'the sense given by nature to all sane men,' 'the social sense'; Sen. ep. mor. I 5, 4 *sensum communem, humanitatem et congregationem.* Cf. Spalding to Quintilian I 2, 20, Munro to Lucr. I 422, Mayor to Juv. Sat. VIII 73 who quotes Sir W. Hamilton's ed. of Reid's works p. 774, where a full discussion of the phrase is given. See § 34 l. 25.

l. 20. **commendatione naturae**] we should say merely 'by the voice of nature,' Nägelsb. lat. Stil. p. 39.

§ 32, l. 21. **is eques—ut**] 'a Roman knight of such a character that,' Kenn. Gr. p. 455, Zumpt Gr. § 556. **ea vetustate equestris nominis**]=tam vetusto equestri nomine, above § 30 l. 32.

l. 23. **praefectura florentissima**] Atina, § 19 l. 21.

l. 24. **gratiae**] 'social influence,' below l. 31. **ipse**] sc. pater Plancii, § 44 l. 4.

l. 25. **P. Crassi**] P. Licinius M. F. P. N. Crassus Dives Lusitanicus, son of M. Licinius Crassus ἀγέλαστος (fin. V § 92, Tusc. III § 31), father of Marcus Crassus the triumvir. He was consul B. C. 97=A. U. C. 656 with Cn. Cornelius Lentulus and enjoyed the honour of a triumph for his successes over the Lusitanians in B. C. 93 (or. in Pison. § 58), censor in B.C. 89 with L. Julius Caesar. In the civil war he sided with Sulla and put an end to his life when Marius and Cinna returned to Rome at the end of B.C. 87, fr. or. p. Scaur. II 1, a, or. p. Sest. § 48, Tusc. V § 55, Liv. Epit. 80.

l. 26. **princeps inter suos**] 'a leading burgess in his municipium, as etc.'

l. 27. **sanctissimus**] 'strictly moral,' 'most conscientious,' § 12 l. 30, § 27 l. 19, Hor. Ep. I 16, 61 *da mihi fallere, da iusto sanctoque videri.*

l. 28. **maximarum societatum auctor—magister**] 'the founder of very large joint-stock companies, the director of a great number.' For an account of the *societates* here spoken of see above § 23 l. 5, each *societas* had a 'chairman' or president called *manceps*, who conducted the bidding at the public auctions for the *locatio* of the taxes (hence called *auctor emptionis*), and also a 'manager' or 'director' styled *magister societatis*, a business man, who generally remained at Rome, kept the accounts, conducted the correspondence, and exercised a general superintendence over the affairs of the company. Under his immediate control were a number of officials, who took charge of different departments, and these inspectors were said *dare operas pro magistro* or *esse in operis societatis*, ep. ad. Att. XI 10 § 1, ad fam. XIII 9 § 2—3, 65 § 1, Verr. II § 169, III § 94.

l. 29. **reprehensum**] 'reprehensible'; so *contemptus* 'despicable' § 12 l. 1 n, *intactus* 'inviolable' Liv. XXIX 18, 8, *acceptus* 'acceptable,' Quint. Curt. VIII 12 § 11. **laudata**] 'praiseworthy.'

l. 30. **is—qui—possit**] 'such an one as may.' **vel minus honestum**] 'even a less respectable person.'

l. 31. **alienum**)(necessarium (§ 31 l. 10) 'not connected with or related to him.' Cf. or. p. Mil. § 76 *aequabiliter in longinquos, in propinquos, in alienos, in suos irruebat.*

vel auctoritate sua vel gratia] 'by his moral as well as social influence,' cf. above l. 24.

§ 33. l. 32. **inquit**] sc. Laterensis. **asperius locutus est**] according to the Scholia Bobiensia P. Plancius inveighed too acrimoniously against some leading senators (*optimates*), who opposed granting any remission to the *publicani* of the amount at which they had engaged to farm the revenues in Asia. Cicero grants that he may have spoken too freely (*liberius*). On *aliquid aliquando* cp. below § 35 l. 30, or. p. Sest. § 14 *si qui fecerunt aliquid aliquando*, Hand Turs. I p. 251.

P. 14. l. 1. **ergo ei ferendi sunt cet.**] 'are those men then to be borne with, who make this complaint, that they find liberty of speech in a Roman Knight intolerable?' If freedom of speech is altogether unbearable, then must it be so in the case of Laterensis himself when he vilifies Plancius' father. **hoc queruntur** = hoc querebundi dicunt: cp. § 54 l. 17.

l. 2. **ubinam ille mos**] 'where is that ancient custom?' In coacervatis interrogationibus nullum saepe particulae *ubi* verbum adiungitur. Cf. or. Philipp. V § 8. GARATONI

l. 3. **malis oppressa civilibus**] nam tempore bellorum civilium et sub tyrannis nemini libere loqui et queri licet. GRAEVIUS

l. 4. **aliquando**] 'at length and high time too,' § 17 l. 26 n. § 36 l. 12.

l. 5. **se erigere**] 'to arouse herself.' **debebat**] Zumpt Gr. § 518, Kenn. Gr. p. 336.

l. 6. **publicanorum—commemorem**] potentissime ab exemplis qualitas absoluta firmatur, licuisse Plancio seniori quaedam liberius dicere pro societate publicanorum, qui etiam in Q. Scaevolam omni virtute praestantissimum virum fiduciam suae libertatis erexerint. SCHOL. AMBR.

in Q. Scaevolam] Q. Mucius P. F. (no. 8 in the stemma given below) Scaevola is instanced by Cicero as an example of a son who excelled in that which had given his father distinction. He was the third of a distinguished family of lawyers, tribune of the plebs B.C. 106, curule aedile B.C. 104, and consul B.C. 95 with L. Crassus, and Pontifex maximus, by which title he is often distinguished from the Augur. He lost his life in the Marian proscription, ep. ad Att. IX 15, 2, de nat. d. III § 80. After the death of the Augur (no. 7), Cicero became

his *auditor* (de am. § 1), and speaks of him with great admiration. During his government of Asia he protected the provincials against the exactions of the *Publicani*, who avenged themselves by procuring the conviction of his quaestor P. Rutilius Rufus under the lex Sempronia.

STEMMA MUCIORUM from Orelli's *Onomasticon*, p. 404

1. Publius Mucius Scaevola.

2. Q. Mucius P. F. Scaevola, praetor B.C. 215.

3. P. Mucius Q. F. P. N. Scaevola cons. B.C. 175.

4. Q. Mucius Q. F. P. P. N. S vola cons. B.C. 174.

5. P. Licinius Crassus Dives Mucianus (adopted by the son of P. Crassus, who was cons. B.C. 205), Pontifex max., cons. B.C. 131, killed in Asia B.C. 130.

6. P. Mucius P. F. Q. N. Scaevola, pont. max. in place of his brother Mucianus, cons. B.C. 133, the famous lawyer, [§ 88 l. 8].

7. Q. Mucius Q. F. Q. N Scaevola, augur, Crassi oratoris socer, cons. B.C. 11

8. Q. Mucius P. F. P. N. Scaevola, pont. max., propraetor of Asia for nine months, cons. with L. Crassus B.C. 95, [§ 33 l. 15].

l. 8. aspere—dicta] 'ill-natured remarks.'

commemorem?] pure conjunctive of the modified question, implying that something will *not* be done, Kenn. Gr. p. 339, Madv. Gr. § 353, Roby Gr. II § 1610; cf. § 40 l. 17, § 78 l. 16, § 89 l. 29, § 93 l. 11.

CHAPTER XIV

l. 9. P. Nasicae] nexus hic est: quid ego equitum et publicanorum maledicta in homines nobilissumos commemorem, cum consuli P. Nasicae praeco Granius liberrume maledixerit? W. P. Cornelius Scipio Nasica (no. 17 in the subjoined pedigree) son of Scipio Nasica Serapio who murdered T. Gracchus (§ 51 l. 3) was consul B.C. 111 = A.U.C. 643 with L. Calpurnius Bestia, who conducted the war against Jugurtha. Cicero (Brut. § 128) speaks of his readiness in repartee and wit: *P. Scipio, qui est in consulatu mortuus, non multum ille quidem nec saepe dicebat, sed et Latine loquendo cuivis erat par et omnes sale facetiisque superabat*, de off. I § 109 l. 31. Observe the position of *consuli*.

STEMMA SCIPIONUM

1. L. Cn. Cornelius Scipio Barbatus cons. B.C. 298.

2. Cn. Cornelius Scipio Asina cons. B.C. 260, taken prisoner in first Punic war, cons. B.C. 254 [§ 60 l. 24].

3. L. Corn. Scipio cons. B.C. 259, conqueror of Hanno in the first Punic war.

4. P. Corn. Scipio Asina cons. B.C. 221.

5. P. Corn. Scipio cons. B.C. 218, defeated in the battle of Trebia, killed in Spain B.C. 211 [§ 60 l 30].

6. Cn. Corn. Scipio Calvus, cons. B.C. 222, killed in Spain B.C. 211 [§ 60 l. 29].

7. L. Corn. Scipio obscurus.

8. P. Corn. Scipio Africanus maior, cons. B.C. 205, 194, victor Hannibalis [§ 60 l. 30].

9. L. Corn. Scipio Asiaticus, cons. B.C. 190, victor Antiochi Magni.

14. P. Corn. Scipio Nasica cons. B.C. 191.

19. Cn. Corn. Scipio Hispallus, cons. B.C. 171.

10. P. Corn. Scipio Africanus augur B.C. 178. He adopted

11. L. Corn. Scipio Africanus, degener.

12. Cornelia m. Tiberius Gracchus.

15. P. Corn. Scipio Nasica Corculum, cons. B.C. 162, 155, cens. B.C. 159, pont. max. B.C. 150.

13. P. Scipio Aemilianus Africanus minor, son of L. Aemilius Paulus, cons. B.C. 147, 134, married his first cousin Sempronia sister of the Gracchi; Karthaginis et Numantiae eversor.

Tiberius Gracchus tr. pl. [§ 88 l. 9].

Gaius Gracchus tr. pl. [§ 33 l. 13 n].

Sempronia m. P. Scipio Africanus minor (no. 13).

16. Corn. Scipio Nasica Serapio, cons. B.C. 138, occisor Tiberii Gracchi B.C. 131 [§ 51 l. 3, § 88 l. 8.]

17. P. Corn. Nasica cons. B.C. 111 [§ 33 l. 9].

18. P. Corn. Scipio Nasica praet. B.C. 94 m. Licinia daughter of L. Licinius Crassus the Orator.

20. L. Licinius Crassus Scipio adopted by his maternal grandfather [*Brut.* § 212] L. Licinius Crassus [§ 33 l. 15].

21. P. Cornelius Scipio Nasica, who became, on his adoption by Q. Metellus Pius [§ 69 l. 29], Q. Caecilius Metellus Scipio, cons. B.C. 51, Pompeii magni socer, a Caesare victus in Africa se occidit B.C. 46.

Granius] Inde transcendit ad exemplum famosi quondam praeconis Q. Granii et adprime dicacissimi, quem cum edicto iustitio, id est praedicto in re p. tempore quo nihil ageretur civilium negotiorum, Nasica consul compellavisset obvium sibi forte venientem dixissetque iocalariter: 'Grani, quid tristis es? an quod auctiones reiectae sunt?' (Scimus enim praeconibus auctiones fructui esse, quod per eos omnia distrahantur: illo autem iustitio nec ipsae poterant exerceri): huic P. Scipioni e contrario non sine morsu stomachi respondisse Granium dicit: 'immo ideo tristis sum, quod legationes reiectae sint.' Voluit autem pudorem Nasicae consulis perstringere hoc amarissimo dicto. Nam legationes ab externis populis missae ad senatum solebant ordinari pro voluntate consulum; quas plerumque gratia, nonnumquam et accepta pecunia consules ordinabant, ut introduci ad senatum possent. SCHOL. AMBROS. Q. Granius, an auctioneer (Hor. A. P. 419), whose wit and caustic humour made him famous among his contemporaries, so that Lucilius frequently speaks of him in his satires (Brut. § 160: *ita tacitus tribunatus* (*Crassi fuit*), *ut nisi in eo magistratu cenavisset apud praeconem Granium idque nobis bis narravisset Lucilius, tribunum plebis nesciremus fuisse*, ib. § 172 *memini T. Tincam hominem facetissimum cum familiari nostro Q. Granio praecone dicacitate certantem. Eon', inquit Brutus, de quo multa Lucilius*, frag. Lucilii: *et iam Conicere in versus dictum praeconis volebam Grani* ap. Aul. Gell N. A. IV 17, *Granius autem non contemnere se et reges odisse superbos* ap. Cic. ep. ad Att. VI 3 § 7), and the name became a proverbial expression for a man of wit (ep. ad fam. IX 15, 2 *te quum video, omnes mihi Granios, omnes Lucilios...videre videor*). Some specimens of his wit are given by Cic. de orat. II § 244, § 254, § 281—2.

l. 10. **edicto iustitio**] 'having given notice of a suspension of all public business.' This was in order that the levies for the war with Jugurtha might proceed without interruption. **decedens**] sc. e foro. **quid tristis esset**] 'why he was sad.'

l. 11. **an quod reiectae auctiones essent**] 'was it (for any thing else or) because the auctions had been put off?' Cf. ep. ad Qu. fr. II 3 § 1 *a Kal. Feb. legationes in Idus Feb. reiciebantur*, ad Att. I. 18, 7 *etiam legationes reiectum iri puto*. On the use of *an* in a question apparently simple but which is really the second member of an alternative question, see Roby Gr. II § 2255, Madvig. Gr. § 453, Zumpt Gr. § 353, Kenn. Gr. p. 327, n. on de off. III § 105 l. 14.

l. 12. **quod legationes**] sc. reiectae sint. The point of the reply lies in the double meaning of *reiectae*, in the former case =*dilatae*, in the latter=*non auditae:* the senate being consulted by the consul Bestia '*placeretne legatos Iugurthae recipi moenibus*,' had passed a resolution that '*nisi regnum ipsumque deditum venissent, uti in diebus proxumis decem Italia decederent*.'

idem tribuno—Druse, quid agis] et haec dicacitas praeconis istius non minus urbanitatis habuisse videtur quam asperitatis. Nam M. Livius

Drusus cum multa seditiose in tribunatu suo contra quam esset rei p. utile moliretur, adventantem Granium sic compellavit: 'Grani, quid agis?' ad hoc ille iisdem verbis sed cum magna asperitate respondit: 'Immo tu, Druse, quid agis?' hoc est, quae et quam periculosa et quam patriae metuenda conaris? SCHOL. AMBR.

l. 13. **M. Druso**] not as Orelli supposes (Onom. Tull. p. 358) the M. L. Drusus who was tribune of the plebs with C. Gracchus B.C. 122, but his son M. Livius Drusus, who himself was tribune of the plebs B.C. 91 in the consulate of L. Marcius Philippus (§ 52 l. 11) and Sex. Julius Caesar, when having organised a conspiracy against the government, he was assassinated in his own hall, while exclaiming '*ecquando, propinqui amicique, similem mei civem habebit res publica?*' He was the author of many laws (*leges Liviae*) the whole of which were summarily annulled immediately after his death, on the plea that they had been passed informally (*uno versiculo senatus puncto temporis sublatae sunt* de legg. II § 14, *quid religiosius...quam legem, si non iure rogata est, tollere? ut Livias consilio Philippi consulis et auguris* ib. § 31, or. p. dom. § 41). These were *leges frumentariae* for the distribution of corn, *leges agrariae* for the assignation of public land, a *lex iudiciaria* concerning which see Ramsay's note to or. p. Cluent. c. 56 § 153, and one *de civitate sociis danda*, which was the occasion of the claim made by the *socii* to the Roman *civitas*, and ultimately led to the Marsian war. **multa....molienti**] 'the author of many ambitious political projects.' Cf. or. in Pis. § 5 *Antonium multa in re p. molientem*, or. in Vat. § 21 *nihil in re p. molientem*.

l. 14. **ut fit**] 'naturally,' 'as is generally the case,' § 17 l. 30, § 35 l. 32—**quid agis?**] the words are capable of a double sense, according to the tone in which they are uttered 'how do you do?' and 'what are you about?' Drusus used them in the former sense, Granius in the latter, meaning that he was doing mischief.

l. 15. **L. Crassi**] L. Licinius Crassus, the great orator born B.C. 140, was tribune of the commons B.C. 107, curule aedile B.C. 103 (de off. II § 57, Verr. IV § 133, de orat. III § 92), when he was distinguished by the splendour of the games he exhibited, consul with Q. Mucius Scaevola the Pontifex maximus as his colleague B.C. 95, when the famous *lex Licinia Mucia de redigundis civibus* was passed, censor B.C. 92. He is one of the interlocutors in Cicero's dialogue *de oratore*. See Prof. Wilkins' Introd. to the *de oratore*, p. 7—p. 13, also Cic. de off. I § 108 with my note, ib. III § 67.

l. 16. **M. Antoni**] Marcus Antonius, grandfather of the triumvir, also one of the interlocutors in Cicero's dialogue *de oratore*, is frequently spoken of by Cicero together with Crassus as one of the greatest of Roman orators (Tusc. V § 55 *omnium eloquentissimi, quos ego audierim*, or. p. red. ad Quir. § 11, de orat. I § 172, Brut. § 138 *sic existimo hos oratores* (Antonium Crassumque) *fuisse maximos et in his primum cum Graecorum gloria Latine dicendi copiam aequatam*, ib. § 139

sqq. § 215, § 301, § 304). He was born in B.C. 143, became quaestor in B.C. 113, praetor in B.C. 104, and had Cilicia as his province, receiving a triumph on his return for his success in putting down the pirates, was consul B.C. 99, censor B.C. 97. He belonged to the aristocratical party and consequently, as a supporter of Sulla, was put to death on the return of Marius and Cinna to Rome (Val. Max. VIII 9, 2, Tusc. V § 55) in B.C. 87. One of his greatest oratorical triumphs was his defence of M'. Aquilius, when he was accused of extortion by L. Fufius (de off. II § 50, de orat. II § 124). See Wilkins' Intr. to Cic. *de oratore* pp. 13—16. **voluntatem—perstrinxit impune**] 'was often allowed to employ his wit rudely in taking them to task for their political bias without suffering for it.' For *voluntas*=Gr. *προαίρεσις*, cp. or. Philipp. XIII § 13 *ac ne illud quidem silentio praetereundum puto, quod clarissimi viri legati......quorum habetis cognitam voluntatem in rem p. eamque perpetuam atque constantem etc.*, or. in Cat. III § 22 *diu ego immortalibus ducibus hanc mentem voluntatemque suscepi*, or. p. P. Sull. § 10.

l. 17. **usque eo—ut**] 'to such a degree—that,' de rep. II § 35 *Anio regi familiaris est factus usque eo, ut consiliorum omnium particeps putaretur*. (*usque* is from *us* for *ubs* from *ubi* with locative *s*, and *que* for *qued* old abl. of *quis*, Corss. Ausspr. 2, 471; 838; cf. *quisque*, *usquam*.)

nostra adrogantia] caute factum est ita pronuntiando nostra adrogantia; quoniam si vestra adrogantia vel quorundam superbia dixisset non adfigendo sermoni suam societatem aliquid offensae apud quosdam praepotentes contrahere potuisset. SCHOL. AMBR. Notwithstanding this note Garatoni and others adopt the reading of inferior MSS *vestra*, but as Wunder remarks Cicero is speaking of the senate and is therefore bound to use *nostra*. Besides *vestra* might have referred to the *iudices*.

l. 18. **quae fuit olim—sit concessa libertas**] gravius praeconem cum inrisione, quam romanum equitem cum dolore dixisse, cum dolor excusatus sit impetu cogentis iniuriae, risus immoderatam plerumque contumeliosae audaciae licentiam praeferat. SCHOL. AMBR.

§ **34, l. 20. Planci**] sc. patris.

vox Planci contumeliae potius quam doloris] an instance of a possessive genitive and genitive of quality or description dependent on one noun, for which see Kenn. Gr. p. 415 § 168.

l. 21. **a sociis et a se**] 'from his partners (the members of his *societas* (§ 32 l. 28) who had got the contract for farming the taxes in Asia) and himself.'

l. 22. **iniuriam**] quod petentibus publicanis ut induceretur locatio, quia nimium magno conduxissent, nullum a senatu responsum daretur. MANUTIUS. This was the famous case which happened in B.C. 61 (A.U.C. 693) in the consulship of M. Pupius Piso and M. Valerius Messala, narrated by Cic. in his letter to Atticus I 17 § 9. The affair

was not concluded in this year, but revived in the following (B.C. 60) under L. Afranius and Q. Caecilius Metellus (ep. ad Att. I 18 § 3), when the equites, disgusted with the failure of their attempt to get the contract for farming the taxes in Asia in which they were unable to carry out their estimate cancelled (*inducta*), were further alienated by the obstinate tactics of Cato, ib. § 7. Cicero criticises him for this, de off. III § 88 where see my note, and ep. ad Att. II 1. It was decided finally in the consulate of Caesar (B.C. 59), who brought the matter before the people. The people voted for the reduction according to the precedence of the tribes, in which Plancius, the father, had himself been the first to give his vote.

l. 24. **dolori fuit**] § 1 l. 5, § 13 l. 13, § 26 l. 4.

l. 25. **apertius**)(*obscurius* 'more undisguisedly,' ep. ad Att. XVI 3, 5 *ad Balbum scripsi apertius*.

communis ille sensus] not exactly in the same sense as before § 31 l. 19, but the 'acquired perception or feeling of the common duties and properties expected from each member of society, tact.'

l. 27. **et voltu promptum habuit et lingua**] cf. Sall. Cat. X 5, *aliud clausum in pectore, aliud in lingua promptum habere. Hic* refers of course still to Plancius' father.

§ 35, l. 28. **quamquam**] in its adverbial use 'and yet,' limiting or correcting a preceding statement, § 3 l. 3, § 4 l. 16, § 7 l. 28, Madv. Gr. § 443, Zumpt Gr. § 341, Kenn. Gr. p. 481, Roby Gr. II 2215, de off. I § 76 l. 17 n, II § 43 l. 1 n. **agnosco—ex me**] 'I know it to be true from my own case'=expertus sum in nobis § 22 l. 19. Cf. Tusc. I § 70 *ut deum agnoscis ex operibus eius, sic ex memoria rerum... omnique pulchritudine virtutis vim divinam agnoscito*.

l. 29. **in Plancium conferuntur**] 'are ascribed to, attributed to, Plancius.' Cf. ep. ad fam. V 5, 2 *nam 'comperisse' me non audeo dicere ne forte id ipsum (verbum) ponam, quod abs te aiunt falso in me solere conferri*, or. p. Flac. § 41 *mortis illius invidiam in L. Flaccum Laelius conferebat*, ep. ad fam. VII 32 1 *ais...omnia omnium dicta...in me conferri*.

l. 30. **ego quia dico aliquid cet.**] et oratorie totum hoc explicat, invidiosius quasi de nimia libertate Cn. Plancii senioris quosdam loqui, quam veritas ipsa patiatur; ad quod optinendum contra insimulationes inimicorum subnectit exemplum Cicero ipse de se, quem non ignoramus multum facetiis et urbanioribus dictis indulsisse, id quod locis pluribus in Verrinis orationibus potuimus adgnoscere. Hoc ergo ait: quoniam soleo quaedam non ingrata festivitate secundum sales urbanitatis dicere, idcirco plerique huiusmodi omne quod dicitur, etiamsi ab alio dictum sit, in me conferunt. Quare nihil mirum est, si quaedam falso etiam de Plancii libertate iactentur. SCHOL. AMBR.

l. 31. **contentione dicendi**] 'in the heat of speaking.'

l. 32. **ut fit in multis**] § 33 l. 14.—**exit**] 'gets abroad,' or. p. Rosc. Am. § 2 *nequaquam similiter oratio mea exire atque in vulgus emanare poterit.*

si non—at tamen] 'if not, yet at any rate,' § 29 l. 12 *si minus—at certe.*

l. 33. **non rusticum**] a modest expression for *urbanum* 'clever,' 'witty,' as in de or. II § 227 *faceta autem et urbana innumerabilia vel ex una contione meministis*, § 236. That Cic. in his speeches was convinced of the rhetorical effect of wit is plain from several passages, as de or. I § 159, II § 219 *multum in causis persaepe lepore et facetiis* ('pleasantry and humour') *profici vidi*, ib. § 227, § 229, § 236 *est plane oratoris movere risum......quod admirantur omnes acumen, uno saepe in verbo positum, maxime respondentis, non numquam etiam lacessentis, vel quod frangit adversarium, quod impedit quod elevat, vel quod ipsum oratorem politum esse hominem significat, quod eruditum, quod urbanum* cet., or. § 87 *huic generi orationis aspergentur etiam sales, qui in dicendo nimium quantum valent*, cet. He makes use therefore of witticisms in his speeches as well as in ordinary conversation. His *bon-mots* were circulated freely. Caesar included some of them in his collection of ἀποφθέγματα, and as Cic. himself tells us (ep. ad fam. IX 16 § 4) had the tact to distinguish between what was really Cicero's and what was not: for Cic. complains (ad Fam. VII 32 quoted below l. 3) that many sayings were fathered on him, which he was not responsible for. C. Trebonius made a similar collection (ep. ad fam. XV § 2): also Cicero's freedman Tiro, if the three books ascribed to him are genuine. Macrobius doubts their genuineness (Saturn. II 1 § 12), and so does Quintilian who (Inst. VI 3, 5) at the same time regrets their publication, as injurious to the orator's reputation. Some of his jokes were very frigid (*in salibus aliquando frigidus*, Quintil. XII 10 § 12), and as Laterensis left none of Cicero's failings unnoticed, he upbraided him with his passion for humorous sayings (§ 85) in his speech against Plancius; and if the wit, which he deprived Cic. of the opportunity of indulging, was not to be of a higher order than such specimens we have of his, as the pun on Verres' name (or. in Verr. I § 121, IV § 95), it was as well that the opportunity was lost. The whole of this passage from *ego quia* to *conferuntur* is bracketed as spurious by Köpke after Koenighoff, Criticon et Exegeticon pars III Trier 1861 p. 14.

P. 15, l. 2. **scitum**] *scitus* is equivalent to our English word 'knowing,' in the sense of 'clever,' 'smart.' See Ramsay's note on Plautus Mostell. I 3, 51. *dixisse dicunt*] See Reid on de am. § 46.

l. 3. **stomachor cum—conferuntur**] Cf. ep. ad fam. VII 32, 1 *ais, ut ego discesserim, omnia omnium dicta...in me conferri. Equidem sperabam ita notata me reliquisse genera dictorum meorum ut cognosci sua sponte possent, sed quoniam tanta faex est in urbe, ut nihil tam sit ἀκύθηρον quod non alicui venustum esse videatur, pugna, si me amas, nisi acuta ἀμφιβολία, nisi elegans ὑπερβολή, nisi παράγραμμα*

bellum, nisi ridiculum παρὰ προσδοκίαν, *nisi cetera*...ἔντεχνα *et arguta apparebunt, ut sacramento contendas mea non esse.*

l. 4. **scivit legem**] 'voted for the law.' Cf. or. de prov. cons. § 36 *qui ulteriorem* (Galliam decernit), *simul ostendit eam se sciscere legem, quam esse legem neget*, according to the reading of Orelli. Wunder quotes Festus under *Niqui scivit: nam sciscito significat sententiam dicito ac suffragium ferto; unde scita plebis.* See § 34 l. 22 n.

l. 5. **consul**] C. Julius Caesar in B.C. 59. His law (*lex Iulia de publicanis*) enacted, that a third of the amount of their contract should be remitted to the *publicani.* Suet. Iul. Caes. c. 20 *publicanos remissionem petentes tertia mercedum parte relevavit; ac ne in locatione novorum vectigalium immoderatius licerentur propalam monuit;* Dio Cass. XXXVIII 7 τοὺς δ' ἱππέας ὁ Καῖσαρ ἀνηρτήσατο τὸ τριτημόριόν σφισι τῶν τελῶν ἃ ἐμεμίσθωντο ἀφείς: cf. ep. ad Att. II 16, 2. 'The 'publicani' had either bid too large a sum at first or had suffered through the devastation caused by Mithridates.' This law secured to Caesar the goodwill of the *equites.* 'Paulo supra locutus sum nihil obtineri potuisse per C. Caesarem, cum publicanis apud senatum patrocinaretur, contradicente scilicet M. Catone. Verum postea consul idem C. Caesar legem tulit ad publicanorum commoda pertinentem, cui favore promptissimo Cn. Plancii pater sine dubio adstitit, quoniam res utilitatis suae agebatur. Hoc ergo quidquid esset reprehensionis removetur in ipsum Caesarem legis auctorem nuper latae.' SCHOL. AMBR.

l. 8. **utrum id sortis esse vis cet.**] 'do you say this is owing to chance, or to the proposer of the law?' The order in which each of the tribes had to vote was determined by lot or by the decision of the presiding magistrate, who acted as polling-clerk, in the present case *is qui legem ferebat*, viz. Caesar. The tribe which was called upon to vote first was styled *tribus principium* or *tribus praerogativa*, and the tribes which followed *iure vocatae.* See Ramsay *Rom. ant.* p. 125, and cf. Liv. xxiv 7, 12, xxvii 6, 3.

l. 9. **si sortis**] sc. esse vis; Kenn. Gr. p. 413.

l. 10. **splendor etiam Planci**] 'it is even a high distinction to Plancius...the defendant.' **hunc**] sc. patrem Planci. Cobet, followed by Köpke and Hirschfelder, reads *tunc.*

§§ 36—56. Second Part of the Speech

Cicero proceeds to show the weakness of the prosecutor's arguments on the employment of bribery and corruption by Plancius. Laterensis professed to prosecute Plancius under the lex Licinia de sodaliciis, *but he charged him with such acts only as were punishable by the existing* leges de ambitu, *availing himself no further of the* lex Licinia *than in the process of naming* (editio) *the iudices, which it ordains. This law bore hard upon the defendant under any circumstances, for it gave the prosecutor power to name* (edere) *the tribes from whom jurors should be taken who*

were to try the case. In trials under all other laws, the jury was chosen by lot from all the tribes, and both prosecutor and defendant were allowed to challenge them (reicere). *The senate in conferring this exceptional power on the prosecutor supposed that he would be likely to name the tribes which the accused was suspected of having corrupted, in which case the same parties would be both witnesses and jury. Now if the defendant's own tribe or a tribe with which he was closely connected, was chosen as one of the tribes to select the jury from, the defendant could not object. But Laterensis, contrary to the intention of the senate in passing the law, did not choose the tribes with which Plancius had intimate relations and which he charged him with corrupting, but others with which he had no connexion whatever. What reasonable inference may be drawn from this? either that Laterensis was guilty of such severity, as was not contemplated by the law, or else that he did not believe that the two tribes, which he declined to name, had been corrupted by Plancius. Plancius did much to merit the affection of his fellow-tribesmen. He helped them in difficulties, and got places for many of them through his father's influence: and surely it was never intended that the* leges de ambitu *should put a stop to all those ordinary arts and expedients by which popularity and influence is secured in a man's own tribe. Let Laterensis but prove his case that Plancius corrupted the tribes by means of* sodalicia, *and then I shall wonder why he did not use the weapons provided for him by the* lex Licinia, *why he did not name Plancius' own tribe and any other which he charges him with having bribed. Plancius can show how he got the votes of the tribes which voted for him quite as easily as Laterensis can show how he himself got the votes of any of them* (§ 36—43).

CHAPTER XV

§ **36**, l. **12**. **Sed** together with *igitur* is the most common resumptive particle in Latin after a digression or in passing on to a new subject, like δ' οὖν in Greek and sometimes γάρ (see Shilleto de fals. leg. not. cr. § 107). *Verum tamen* is so used ep. ad Att. I 10 § 1, 20 § 2, and sometimes *ergo*, Cic. de or. II § 334. See Kenn. Gr. p. 319, Zumpt § 739, Madv. Gr. § 480 and my n. on de off. I § 4 l. 21, III § 64 l. 2.

aliquando] 'at length and high time too,' § 17 l. 26, § 33 l. 4, § 98 l. 11.

veniamus ad causam] hactenus respondit maledictis quae sunt extra causam. **causa** = *res quae in iudicium venit*, 'the question at issue,' viz. whether Pl. is guilty, according to the *lex Licinia* of B.C. 55, of having obtained a magistracy by the aid of *sodalicia*.

l. **13**. **legis Liciniae—omnis ambitus leges—editicios iudices**] Cf. Intr. § 15—§ 18.

l. **14**. **neque enim quicquam aliud—es secutus**] 'for there was nothing else in this law which you had in view,' 'you had no other motive in prosecuting under this law, except the mode of appointing

the jury, which it sanctions.' For *secutus* cf. or. p. Rosc. Am. § 34 *quid vos sequi conveniat*, de off. I § 35 l. 15 n. 'Potuisse Laterensem de ambitu accusare significat, nisi maluisset idcirco reum lege Licinia facere, ut haberet iudices edititios.' SCHOL. AMBR.

l. 15. **si est aequum ulla in re nisi in hac tribuaria]** Cf. de or. II § 36 *aut si via ulla nisi ab hac una arte traditur aut argumentorum aut sententiarum*, Liv. II 9, 7 *nemo ullius nisi fugae memor.*

l. 16. **hac tribuaria]** 'in this business of the tribes,' i.e. the naming of the tribes from which the iudices were to be taken. **quam ob rem senatus—tribus edi voluerit]** 'why the senate ruled that the tribes should be named only in cases of this nature by the prosecutor.' The accuser had a right in a *causa sodaliciorum* to propose to the defendant four tribes, of which the latter could reject only one, for the purpose of striking a special jury (*editicios iudices*) out of the remaining three.

l. 17. **hoc uno in genere]** sc. causarum.

l. 18. **editionem]** sc. tribuum.

l. 19. **de ipso—ambitu]** short for *in ipso iudicio de ambitu*, i.e. cum nominatim de ambitu iudicatur.—**reiectionem—iudicum alternorum]** 'the right of challenging the iudices by both prosecutor and defendant alternately,' which was conferred by the *lex Vatinia*, which allowed prosecutor and defendant to challenge the *consilium* (i.e. the iudices chosen by the praetor for any one trial), on which being done a new *consilium* was appointed, or. in Vat. § 27 *et quoniam crebro usurpas legem te de alternis consiliis reiciendis tulisse.* See n. on § 43 l. 21.

l. 20. **cum]** 'whereas,' § 46 l. 22, § 73 l. 15, § 89 l. 21.

l. 21. **hoc tamen unum]** sc. genus acerbitatis, i.e. of being tried by *iudices editicii.*

§ **37**, l. 22. **obscura causa]** sc. cur acerbum illud iudici genus senatus in sodaliciorum causa exerceri voluerit, neque in ceteras causas transtulerit. W.—**agitata]** § 4 l. 21.

tum cum] in the consulate of Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus B.C. 56=A.U.C. 698.

l. 23. **disputata—a Q. Hortensio]** 'discussed most fully by Quintus Hortensius in the speech he delivered yesterday,' Intr. § 8. On the use of *disputatus* Mr Reid has a good note de am. § 1 l. 6 (Pitt Press Series).

l. 24. **tum]** at the time when the *senatus consultum* was made.

Q. Hortensio] the celebrated orator, born B.C. 114=A.U.C. 639; he first spoke in the forum at the age of 19 (de orat. III § 229, Brut. § 228), when he gained the applause of the great orator L. Crassus, and the jurist Q. Scaevola, then consuls, and soon rose to eminence as an advocate. After the interruption of the Social war, the return of Sulla found him master of the courts (*dominus iudiciorum* div. in

Q. Caec. § 24), and he held this position until B.C. 70 when he appeared in defence of Verres against Cicero (Quintil. I 10, 23). The result of this great contest was to dethrone Hortensius and establish Cicero as the first orator and advocate of his day. In B.C. 63 he pleaded with Cicero for Rabirius, who was indicted for the murder of Gaius Saturninus (Cic. or. p. Rab. c. 6): and in the same year also for L. Murena when accused of bribery, and in the next year for P. Sulla (Cic. or. p. Sulla § 12, § 22) accused as an accomplice of Catiline: on all which occasions he allowed his rival to speak last (*perorare*), which was tantamount to an admission of his superiority. In B.C. 60, on the coalition of Pompeius with Caesar and Crassus, Hortensius, a staunch supporter of the optimate party, retired from political life and henceforth until his death B.C. 50 confined himself to his duties of advocate. He appeared professionally with Cic. in defence of L. Valerius Flaccus, charged with extortion in Asia (ep. ad Att. II 25, or. p. Flac. § 41, § 54), and in B.C. 56 of P. Sestius on a charge *de vi* (or. p. Sest. § 3, § 14), and in the following year of M. Aemilius Scaurus on a charge of *ambitus* and *repetundae*. He also defended Milo in B.C. 52. His last speech was *paulo ante mortem* for Appius Claudius, who preceded Cic. as governor of Cilicia, accused by Dolabella *de maiestate et ambitu* (Brut. § 230, § 324). Hortensius began his course of civil honours in B.C. 81, when he was quaestor, and was successively aedile B.C. 75, praetor urbanus B.C. 72, and finally consul B.C. 69. Cic. gives us a description of his eloquence in the Brutus c. 92—c. 96, whence we learn that it was of the florid or 'Asiatic' type, fitted for hearing rather than for reading (*dicebat melius quam scripsit Hortensius* Orat. § 132); this will account for the entire loss of his speeches, of which we have not a single fragment left. See Ellendt eloq. rom. hist. § 43 pp. 106—109, Meyer or. Rom. fragm. pp. 169—172.

l. 25. **hoc igitur sensimus cet.**] 'this then was our feeling (when we, the senators, passed the *senatus consultum*), that whoever was the briber of any tribe by the agency of this kind of confederacy, which with more compliment than truth is called a *sodalitas* 'association,' he would be best known to the men belonging to that tribe.'

l. 26. **consensionem**] 'plot,' 'combination,' or. p. Font. VII § 16 (III § 6) *tamenne plus Gallorum consensio valebit quam summae auctoritatis hominum?* Verr. II 5, 4 § 9 *nulline motus in Sicilia servorum praetore Verre? nullaene consensiones factae esse dicuntur?* ep. ad Att. X 4 § 1 *quorum societatis et sceleratae consensionis fides quo eruperit vides.* **sodalitas**] 'club' or 'guild,' originally formed for social purposes: Intr. § 21, Reid on de sen. § 45, Long, Decl. of the Roman Republic III p. 215.

l. 27. **nominaretur**] After a leading proposition in a past tense dependent interrogative and objective propositions are expressed in the imperfect, although their import may hold good also at the present or at all times (in which case the present is often used in English), Madv. Gr. § 383, Kenn. Gr. p. 483.

l. 28. **qui eius tribus essent**] the *tribules* of the tribe suspected of having been bribed.

l. 29. **ita**]=hac ratione, 'in this way,' § 6 l. 9, l. 14, de off. I § 59 l. 16 n, Hand Turs. III p. 486.

cum reo tribus cet.] 'that, inasmuch as the tribes which the defendant had bound to his interest by bribery were to be named to try him, the same persons would serve as witnesses as well as judges.' *Reo* is the recipient dative, Kenn. Gr. p. 389.

l. 31. **omnino**] concessive 'of course,' 'I quite allow,' cf. de off. I § 79 l. 6, II § 62 l. 14, Tusc. II 35 *sunt finitima omnino, sed tamen,* IV 53 *sunt omnino omnes fere similes sed declarant,* de fin. III 11, ad fam. III 12, 2, ad Att. XIII 43, ib. 48, 1, ad Qu. fr. I 1, 2, ad Brut. II 7, 1, or. p. Sest. § 84. It might also mean 'under any circumstances.'

l. 32. **sua tribus**] 'one's own tribe,' de off. II § 73 l. 34 n, Mayor Phil. II § 116 l. 14, or *sua* may be considered to refer to *reo* implied after *recusandum.* Translate: 'a harsh method of procedure undoubtedly, but one which the defendant would scarcely have a right to object to, if either his own tribe or one especially connected with him were named to try him.'

CHAPTER XVI

§ **38**, l. 33. **tu autem**] Such was the intention of the senate in passing this law: but you, Laterensis, disregarded the spirit of the law by nominating different tribes from those which you were expected to nominate.

P. 16, l. 1. **Teretinam**] one of the 35 tribes into which the whole free Roman population was divided after B.C. 241, each tribe occupying a district called *regio.* Of these four were city tribes (*tribus urbanae*), named after their respective *regiones, Collina, Esquilina, Palatina, Suburrana;* of the remaining thirty-one country tribes or wards (*rusticae*) sixteen belonged to Rome since the conquest of Porsena. These were named *Aemilia, Camilia, Claudia, Cornelia, Fabia, Galeria, Horatia, Lemonia, Menenia, Papiria, Pollia, Pupinia, Romilia, Sergia, Veturia* (*Voturia*), *Voltinia.* The above names are formed, it will be seen, from the names of clans, and are not like those of the districts added at a later period derived from the localities (Mommsen Hist. of R. I p. 39). In B.C. 504 the tribe was formed, which was afterwards designated *Crustumina.* In B.C. 387 four new tribes were formed in the territories of Veii, Capena, and Falerii, called respectively *Arniensis, Sabatina, Stellatina, Tromentina* (Liv. VI 5, 8), making in all twenty. In B.C. 358 two more were added, the *Pomptina* and *Publilia,* in the Volscian and Campanian territories (Liv. VII 15, 12); in B.C. 332 two more, *Maecia* and *Scaptia,* out of the territory of the Hernicans; in B.C. 318 the *Oufentina* and *Falerna* (Liv. IX 20, 6); in B.C. 299 the *Aniensis* and *Teretina* (Liv. X 9, 14); and lastly in B.C. 241 the *Quirina* and

Velina. These names, abbreviated, frequently occur in Roman inscriptions (see below): the indication of a man's *tribus*, which was necessary in important documents, came generally between the *filiatio* and the *cognomen.* Thus Pliny the younger would be designated C. Plinius L. F. Ouf. (i.e. *Oufentina tribu*) Secundus. Cf. ep. ad fam. XIII 9, 2 *P. Rupilius P. f. Men.* i.e. Menenia tribu, or. in Verr. II 2 § 107 *C. Claudius C. F. Palatina*, Willmanns Inscr. Lat. tom. I 1109 *C. Papirius C. F. Clu.* (i.e. Clustumina tribu) *Carbo*, 1163 *Q. Iulio M. F. Volt. Proculo*, 1182 *L. Aemilio L. F. Cam. Caro*, 1595 *M. Tillio M. F. Ter.* (i. e. Teretina tribu) *Rufo*, an inscription found at Atina, 1324 *C. Maticni C. F. Ouf. Oviculae*, 1244 *P. Palpellius P. F. Maec. Clodius*, tom. II 2116 *C. Galerius P. F. Lem.*, 2117 *M. Vettio M. F. Ani. Valenti*, 2633 *Q. Magurius Q. F. Fab. Ferox*, 2705 *C. Laberius T. F. Pup. Peccio*, 2087 *M. Anteio M. F. Pap.* i.e. Papiria tribu, 2714 *C. Albucio C. F. Trom.* (i.e. Tromentina tribu) *Menippo.*

credo] ironically, 'I dare say,' § 54 l. 14, § 72 l. 6.

fuit id aequum] sc. te tribum Teretinam edere, 'it would have been right and proper;' on the use of the indicative see Zumpt Gr. § 518, Madv. Gr. § 348 *e obs.* 1, Draeger hist. Synt. I p. 302. So *longum est* 'it would be long,' *difficile est* 'it would be difficult,' the difficulty being represented as actual, Mayor on Cic. de nat. deor. I § 19 p. 90.

l. 3. **venditorem**] venalem habuerat tribum Teretinam, quod eam competitoribus concessit, postquam largitione sibi eam devinxerat. Cf. § 54 l. 8. W. See Introd. § 13. **sequestrem**] 'depositary,' in its original sense a person in whose hands disputed property was deposited, and who retained it in trust, until the pretensions of the different claimants were adjusted,' but in Cicero's time its meaning was 'one in whose hands money was deposited (*deponitur*) by the bribers in trust for the bribed, neither party relying upon the promises of the other. By late writers sequester is employed in the general sense of 'mediator,' as in Seneca cons. ad Helvet. 12, cp. Verg. Aen. XI 133 *pace sequestra.* See Ramsay to or. p. Cluent. § 25.

l. 4. **severissimorum praesertim hominum et gravissimorum**] eo magis hanc tribum edere debuisti, quo certius erat iudices ex illa tribu delectos pro severitate sua, si tribulis corruptos scirent, omnium maxime contra reum testimonium ex ipsa veritate perhibituros esse. Quod quidem testimonium eo plus valeret, quo graviores sunt homines, qui in tribu illa recensentur. Cf. § 45. W.

l. 5. **at Voltiniam**] sc. tribum edidisti, credo.

l. 7. **igitur**] 'well then,' resumptive, § 36 l. 12, § 37 l. 25.

quid Plancio cum Lemonia] sc. fuit. 'What had Plancius to do with the tribes Lemonia, Oufentina, Crustumina?' Cf. ep. ad fam. 15, 10 *si mihi tecum minus esset quam est cum tuis omnibus*, or. Phil. II § 77 *sibi cum illa mima posthac nihil futurum.*

l. 8. **Lemonia** tribus] This was one of the original sixteen country tribes: the **Oufentina** was enrolled in B.C. 318 (=A.U.C. 436) Liv. IX 20, 6. Festus p. 194 *Oufentinae tribus initio causa fuit nomen fluminis Oufens, quod est in agro Privernate mare intra et Taracinam.* The **Clustumina** was one of the old 21 tribes dating according to Livy XLII 34 from 494 B.C. The territory attached to it was round the old Sabine town Crustumerium, also called Crustumeria and more rarely Crustumium, which was conquered by Rome finally in B.C. 499, Liv. II 19, Reid or. p. Balb. § 57.

nam Maeciam] 'for, as to the tribus Maecia, you named it not to judge him but to be challenged by him.' On this use of *nam* elliptic see note on § 21 l. 13, § 70 l. 3. The Maecia would, he knew, be rejected by Plancius for some reason or other, perhaps because Laterensis himself belonged to it, and consequently must have had such influence in it, that it seemed to Plancius the most likely one to be prejudiced of the four tribes named by his accuser. It was in Latium in the neighbourhood of Lanuvium, and so called from the castrum Maecium, founded in B.C. 332 (=A.U.C. 422), under the consuls A. Cornelius Cossus Arvina and Cn. Domitius Calvinus, by the censors Q. Publilius Philo and Sp. Postumius (Liv. VIII 17, 11).

§ 39, l. 11. **non ad sententiam legis cet.**] 'not according to the intention of the law (i.e. the opinion expressed by the senate when they made the *Sctum* previous to the enactment of the law, *rationem quam in decernendo secuti sumus*) but according to some definite expectations of his own.' The law meant that the tribes suspected of being bribed should be named (*edi*); Laterensis by not naming them freed them from such suspicion: he hoped that the other tribes which he proposed would condemn Plancius. Intr. § 28. For the meaning of *ad* (=Gr. κατά) cf. de fin. I 9, 30 *quid aut ad naturam aut contra sit*, where Madvig observes that *esse ad rem* is an unusual expression, while such phrases as *fieri ad voluntatem* (Cic. de off. I § 9 l. 26), or *sapiens ad aliquam normam* (de amicit. § 18), are common.

l. 12. **de civitate** =ex omni populo, 'out of all the tribes,' § 40 l. 17, Intr. § 31.

l. 13. **magnas necessitudines**] 'intimate relations,' or. p. Sest. § 39 *M. Crassus quocum mihi omnes erant amicitiae necessitudines*, or. pro Ligar. § 21 *haec novi ego propter omnes necessitudines quae mihi sunt cum L. Tuberone*, or. p. Quinct. § 48 *is quicum tibi affinitas, societas, omnes denique causae et necessitudines intercedebant*.

cum ille non ediderit] 'inasmuch as he did not name,' 'by not naming,' § 29 l. 19 n, § 42 l. 12, Roby Gr. II. 1729, Madv. Gr. § 358 *obs.* 2. The subjunctive is used although *cum* precedes (see n. on § 29 l. 19) because it is dependent on and assimilated to *iudicarit*.

l. 14. **officiis ab hoc observatas**] 'that they have received attention from my client in the way of dutiful services,' § 45 l. 9 *ne ob-*

servent tribulis suos, ep. ad Att. II 19, 5 *Caecilium colimus et observamus diligenter*, ep. ad div. VI 10, 2 *me diligenter observant et colunt.*

l. 15. **quid enim potest dicere, cur cet.**] 'for what reason can he allege, why that method of naming the tribes (viz. by the accuser) should not involve very great harshness (to the accused), if no regard be paid to the motives which we (the senate) had in view, when we passed the law (*lex Licinia*)?' *summam habeat acerbitatem* = summe acerba sit, cf. de off. II § 79 l. 72 *quam habet aequitatem*, III § 105 l. 15.

l. 16. **remota ratione illa**] 'if we set aside the motives by which we were guided in passing the bill,' i. e. unless the prosecutor nominate the tribes which he accuses of being bribed. Cf. de off. II § 63 *temeritate remota gratissima est liberalitas*, ib. I § 157 *magnitudo animi remota communitate..feritas sit quaedam* (for such is the correct reading, and not *remota a*), or. pro Arch. § 32 *remota mea iudicialique consuetudine* (according to Jeep's em.), de nat. deor. II § 98 *remota subtilitate disputandi*, ep. ad Att. I 16 § 8 *cetera non possunt habere neque vim neque venustatem, remoto illo studio contentionis.*

secuti sumus] § 36 l. 15 n.

§ **40**, l. 17. **tu deligas**] 'are you to choose?' pure conjunctive of the modified question, § 33 l. 8, Kenn. Gr. § 94 II *E*), Zumpt Gr. § 530, Madvig Gr. § 353, cp. § 93 l. 12, or. in Cat. II § 18, or. p. Mur. § 21, § 74, or. p. dom. II § 4, de fin. II § 77.

l. 21. **vel iniquos vel meos vel etiam defensorum meorum**] § 1 l. 6 n, § 57 l. 17, or. in Verr. V 69 § 177 *omnibus iniquissimis meis*, ep. ad fam. XI 27 § 7 *contra iniquos meos.*

l. 22. **eodem adiungas** = eisdem adiungas, 'add to the same.'

l. 23. **effundas** sc. iudicum nomina. *Fundere* and its compounds are used metaphorically to denote 'a bringing forth abundantly and without trouble,' or. p. Flacco § 23 *quid tu istum roges, qui prius quam hoc* TE ROGO *dixeris, plura etiam effundet quam tu ei ante domi praescripseris*, de or. III § 194 *versus hexametros fundere ex tempore*, Nägelsb. lat. Stil. p. 371.

l. 24. **ut ante videam quam potuerim — dicere**] 'so that I should see my judges sitting in solemn conclave, before I could possibly have a notion who they would be, and would you force me to plead my case before them, without challenging even five of the whole number—a privilege which was allowed by a decision of the judge and jury who tried the cause in the instance of the person last tried under a similar charge?' This was P. Vatinius, Intr. § 33. Cf. the similar complaint or. p. Sull. § 92 *vos, reiectione interposita, nihil suspicantibus nobis repentini in nos iudices consedistis, ab accusatoribus delecti ad spem acerbitatis, fortuna nobis ad praesidium innocentiae constituti.*

l. 26. de consilii sententia] 'after consulting his advisers,' a phrase which formed a regular part of every decree issued by a praetor or provincial governor. The judicial *Quaestor* or *Quaesitor*, 'chief commissioner,' acted as judge and was assisted by a *consilium* or 'body of assessors' resembling in many respects a modern jury, Ramsay *R. A.* p. 289.—Iam de sodaliciis causam dixerat P. Vatinius eodem defendente M. Cicerone: cuius exemplo negat iniquitate Laterensis esse Plancio permissum quinque saltem iudices reicere, quo manifesta sit improbitas obstinate conitentis inimici, ut reus innocens opprimatur conspiratione magis iniquorum iudicum quam criminis veritate convictus. SCHOL. AMBR. **proximo reo]** i.e. Vatinius.

§ 41, l. 28. non enim si—idcirco—non acerba est] Periculosius aliquanto fuerat evectus, ut hoc dicendo 'voluisti Plancium, Laterensis, apud inimicos iudices accusari,' offenderet animos eorum, qui erant de causa pronuntiaturi. Vigilanter itaque illum quidem hoc animi habuisse testatus est, ut reus iniquis iudicibus uteretur, sed fortunam multo prosperius secundasse, ut viri spectatae humanitatis et incorruptae religionis in hanc cognitionem venirent, quae innocenti reo obesse non posset. Iudices ergo non laesit, et propositum malitiosi accusatoris ostendit. SCHOL. AMBR. Translate:—'For it does not follow that—because Plancius has lived without knowingly giving offence to any one, or because you, Laterensis, have unintentionally nominated such persons, that in spite of you we have to appear before real *iudices* and not mere executioners (as you wished to have on the jury)—therefore this mode of selecting them is in itself other than a hardship to the accused.' On the form of the sentence, see Nägelsb. lat. Stil. p. 518, Kenn. Gr. p. 473, and cp. de off. II § 79 l. 5, and add to the passages there quoted de fin. IV § 13 *non enim* (Zeno), *si omnia non sequebatur, idcirco non erat ortus illinc*, and, with the omission of *idcirco* or a word equivalent in meaning, above § 8 l. 1.

l. 30. carnifices] paulo ante *inexorabilis*, *inhumanos*, *crudelis* dixerat. W.

CHAPTER XVII

l. 32. an vero] a double question, which involves an inference, is often connected by *an vero*, i.e. when in order to prove something (*argumentum a maiore ad minus*), we seek to draw attention to the incompatibility of two propositions, which are connected as coordinate in Latin, though best expressed in English by making the first a subordinate proposition, supplementing it with 'while,' 'though,' or some such particles. This is known as the grammatical figure *parataxis*; see above, § 9. 25, l. 10, Zumpt Gr. § 781, Madvig Gr. § 438, Nägelsb. l. St. §§ 160, 161, Hand Tursell. I p. 349—352, de off. I. § 114 l. 17, II § 17 l. 28, Kühner ad Tusc. V § 42, Mayor Phil. II § 110 l. 6. Cf. or. in Cat. § 3 *an vero P. Scipio...Ti. Gracchum mediocriter labefactantem statum rei publicae privatus interfecit: Catilinam, orbem terrae caede atque incendiis vastare cupientem, nos consules perferemus?* or. p. Sulla § 32

an vero nemo clarissimum virum generis vestri ac nominis reprehendit, qui filium suum vita privavit, ut in ceteros firmaret imperium: tu rem publicam reprehendis, quae domesticos hostes, ne ab iis ipsa necaretur, necavit? de orat. I § 161, § 250, or. p. Rabir. perd. § 16, or. p. Font. XII § 26 (VIII § 16), de nat. deor. II § 17, or. p. Sest. § 33, § 90, or. p. Sull. § 32. Mr Shilleto (addenda to Prof. Mayor's Phil. II p. 160) justly observes that 'the Greeks make this far plainer than the Latins by their μέν,' not always however as in one remarkable instance, which he quotes, S. Paul Rom. VI 17 χάρις δὲ τῷ θεῷ ὅτι δοῦλοι ἦτε τῆς ἁμαρτίας ὑπηκούσατε δὲ ἐκ καρδίας. See Buttmann Gr. Gr. p. 396 ed. 3, and index to Demosth. Midias s. v. μέν p. 188.

clarissimi cives—non tulerunt] 'adhuc eandem, quantum rebus ipsis apparet, inculcat iniquitatem iudicii, quod Laterensis ut ex editiciis haberet maxime laboraverat. Et hac in parte commemorationem videtur facere Tullius eius temporis quo Ser—' SCHOL. AMBR. If the scholiast wrote, as is probable, Servius Sulpicius, he may allude to what Cic. says of Sulpicius and the *editicii iudices* or 'special jury' in or. p. Mur. c. 23 § 46 ff, where he is referring to some *lex* which was not carried, by which there were to be 125 iurors, *equites* and *tribuni aerarii*, nominated by the accuser from the register (*album iudicum*), 75 of whom might be rejected by the *reus*, leaving 50; also 25 senators were to be appointed, but by some other means, none of whom could be rejected, so that the jury would consist in all of 75. Even this law, says Cic., was resisted. See Introd. § 17.

P. 17, l. 1. referret] sc. in iudicum numerum, 'retained on the list.' I. Fr. Gronovius reads *ferret*, Cobet *retineret*.

omnia—permiscuerunt] 'moved heaven and earth' to prevent the law being carried. Cf. orat. § 29 *qui* (Pericles) *si tenui genere uteretur, numquam ab Aristophane poeta fulgere, tonare, permiscere Graeciam dictus esset*, or. c. Rull. § 91 *qui iniquis imperiis rem p. miscerent*, or. p. Mil. § 25.

l. 3. ex omni populo] because any four tribes might be named by the prosecutor, of whom the accused could reject one and the jury were chosen out of the remaining three; hence they are said to be *ab accusatore constituti*, though it does not appear how they were appointed, probably by lot.

l. 5. ita—ut] limitative, § 2 l. 17, § 10 l. 31.

§ 42. neque ego nunc—putarem] 'not that I am now complaining of the unfairness of the law, but I am trying to prove that your proceeding (in naming the tribes) did not accord with its spirit, and—if you had managed that harsh form of trial according to the vote of the senate and the decree of the people, by naming both the tribe to which the accused belonged and those which he cultivated—so far from complaining, I should rather look upon him as virtually acquitted, by the nomination of *iudices* to try his case, who might also be witnesses in it.'

l. 7. quem ad modum senatus censuit populusque iussit] This is, of course, a rhetorical exaggeration for *secundum sententiam legis*. Laterensis did not absolutely violate the law, but only did not act in accordance with its spirit. 'In the words *quemadmodum senatus censuit* the fallacy lies, for it cannot be in *populus iussit*, which is only another name for the *lex*' (Long). *Ita* is correlative to *quemadmodum* —as in ep. ad Att. XIII 21 § 3 *facies ut ita sit in libro, quemadmodum fuit*, ad fam. XIII 4 § 4 *ut ita defendere possem Volaterranos, quemadmodum consuevi tueri meos*, Tac. ann. III 55 *quemadmodum temporum vices, ita morum vertuntur*.

l. 8. ut—ederes] an adverbial consecutive clause developing and explaining *si—ita fecisses*, cf. § 16 l. 11, § 50 l. 12.

l. 9. ab hoc observatas] § 39 l. 14. **non modo non—sed]** Kenn. Gr. § 85, 3 p. 325, Madv. Gr. § 461 a *obs*.

l. 11. neque nunc—existimo] 'and under present circumstances, as it is (i.e. though you have not named the tribes suspected of bribery) I expect much the same result.' 'Neque nunc metuo, ne Plancius ab eis, quos edidisti, iudicibus condemnetur, siquidem illi ex eis tribubus delecti, quas non criminaris corruptas esse, testes esse non possunt nec Plancium criminis convincere. Cf. § 46.' W.

l. 12. cum has tribus edidisti] 'by naming the present tribes,' i.e. those which you have named, see § 39 l. 13 n, § 29 l. 19.

ignotis iudicibus] i.e. not only strangers to Plancius, as Manuzio explains it, but unacquainted with the facts, because their tribes were not charged with being corrupted.

l. 13. fugisti sententiam legis] 'you evaded the spirit of the law,' § 39 l. 11.

l. 14. in tenebris] = hoc ipse Cicero accuratius explicat § 46. W. Cf. or. p. Arch. § 14 *iacerent in tenebris, nisi litterarum lumen accederet*.

§ 43, l. 15. Voltinia—iudices] Laterensis' excuse for not nominating this tribe.

l. 16. habuerat venalem] 'he had secured by bribery.'

quid diceret] § 33 l. 8, § 40 l. 17, Madv. Gr. § 353.

l. 17. tribulis suos] the people of Atina, Plancius' municipium, who voted in the *tribus Teretina*, see above § 38 l. 1.

immo vero] = μὲν οὖν, here used in retorting a question, 'nay rather,' Roby Gr. II. 2251, Kenn. Gr. p. 330, cf. de off. III § 53 l. 19 n. Cicero rejoins: Laterensis would be much more likely to be dumb in the presence of those, among whom he would not find any witness against Plancius. 'Immo vero tu, si illos delegisses iudices, quo modo ullum Plancio crimen obicere posses, quod illi iure obiectum concederent?' W.

l. 18. **aut vero etiam excitares**] sc. testem, 'or indeed even call up as a witness,' cp. or. p. Rab. Post. § 48 *possum excitare multos testis liberalitatis tuae.* 'Sensus est' says Wunder, 'nemo iudex ex illis aut tacendo Plancium delictum, cuius accusatur, commisisse testaretur aut iussus a te testimonium dicere non defenderet Planci innocentiam.'

l. 19. **etenim si reus tribus ederet—Voltiniam edidisset**] sententia haec est: Voltiniam tribum dicis a Plancio corruptam, Teretinam habuisse eum venalem. Itaque edere has tribus debuisti, idque eo magis, quo certius est Plancium, si corrupisset tribus illas, minime ab iudicibus earum tribuum, hominibus gravissimis et severissimis, absolutum fore. Verum tua caussa istas tribus non edidisti, quod praevidebas fore ut iudices ex eis delecti omnes innocentiam rei testarentur. Nam Plancius quidem minume fugisset Voltiniensis aut tribulis suos iudices, sua fretus innocentia duarum illarum tribuum hominibus maxime nota. W.

l. 20. **suam**] sc. Teretinam. On the meaning of **certe** cf. § 29 l. 1.

l. 21. **quaesitor**] The criminal courts of Rome, after their final organisation by Sulla's *lex Cornelia*, were named *quaestiones perpetuae*, 'standing commissions of enquiry.' The duty of the Judge (*quaesitor*) was to preside and to regulate the proceedings in terms of the law under which he acted. The duty of the Jury (who as a body were termed *consilium*, while the individual members of the panel were called *iudices*) was, after hearing the pleadings and the evidence, to pronounce upon the guilt or innocence of the accused. The praetors were the ordinary presidents of these standing commissions, and although their number was increased from six to eight by Sulla, criminal business increased so rapidly, that not only did the number of *quaestiones* exceed the total number of praetors, but it was found necessary to divide the administration of one *quaestio* among several judges, and subsequently to appoint supplementary or assistant judges, who were called *iudices quaestionis.* See on this whole subject Ramsay's Introd. to the speech pro Cluentio pp. 30—34, also Rom. Ant. p. 288 ff. On the president of the *quaestio de sodaliciis* see Intr. § 32.

si quaesitor huic edendus fuisset] 'if a president must have been nominated by my client,' if he had had to nominate the president of the court before which he was to be tried, Kenn. Gr. p. 486.

l. 22. **hunc**] 'the present judge,' cf. § 42 l. 12.

quem habet] 'in whom he has one to whom he must be very well known, a neighbour and fellow-tribesman.' So Wunder, but Orelli understands *quaesitorem* after *habet.*

l. 24. **cuius quidem aequitas cet.**] 'whose impartiality and the anxiety for the acquittal of Plancius, which he openly professes without exciting any suspicion of partisanship, proves at once that there was

no need for my client to have shunned jurors from his own tribe, when, as you see, he would have desired one of his own tribesmen for his Judge.'

l. 25. **cupiditatis**] 'party spirit.' Cp. or. p. Flacco § 21 *testium, qui aut sine ullo studio dicebant, aut cum dissimulatione aliqua cupiditatis*, ib. § 64 *ut Graecorum auxilio Graecorum cupiditati resistamus*, Liv. XXIV 28, 8 *quo minus cupiditatis ac studii visa est oratio habere, eo plus auctoritatis habuit.* So *cupidus* is used to signify 'partial,' 'devoted to a party,' de or. II § 229 *utimur facetiis in testem stultum, cupidum, levem*, or. p. Caec. § 8 *cupidior quam sapientem iudicem esse aequum est*, Verr. II 2 § 12 *quaestores vehementer istius cupidi*, i.e. 'violent partizans of Verres,' or. p. Font. 10 § 21 (6 § 11) *cupidis et iratis et coniuratis* (*testibus*), below § 46 l. 29 *multos cupidos sui gratiosos*, also § 55 l. 32, or. p. Sull. § 75 *hosne amicos, talis viros, tam cupidos sui...crudelissime perire voluit*, Q. Cic. ep. de pet. cons. VIII 29 *quos—summa cura ut tui cupidi sint elaborato.*

§ 44, l. 30. **consilium—senatus**] 'the motive of the senate,' of which he speaks in §§ 36, 37, elsewhere called *sententia* (§ 42 l. 13).

l. 31. **tum**] 'in that case,' i.e. si edidisses eas, quibus hic maxime notus est, tribus. KÖPKE.

l. 32. **sequestremne Plancium**] sc. diceres? For meaning of *sequestrem* see n. to § 38 l. 3.

respuerent] Gr. ἀποπτύσαιεν ἄν. The same strong metaphor is found in or. in Pis. § 45 *nemo civis est, qui vos non oculis fugiat, auribus respuat*, orat. part. 5 § 15 *auditorum aures quod respuunt immutandum est*, or. p. Sull. § 70 *cuius aures umquam hoc respuerunt conatum esse audacter hominem etc.*

l. 33. **repudiarent**] see crit. n.

agnoscerent] 'would admit, allow it.'

P. 18, l. 2. **legibus istis**] on the *leges de ambitu* see Intr. § 16—§ 18. **sanciri**] sc. a populo.

l. 3. **id esse actum, ut suffragatio tolleretur**] 'that the object was to do away with favour, interest.' Kenn. Gr. p. 442, Madv. Gr. § 372 a, Roby Gr. II 1648, Zumpt Gr. § 614.

§ 45, l. 6. **noster**] sc. senatorius.

l. 8. **observent**] § 39 l. 14. **conficere necessariis suis suam tribum**] 'to secure the votes of his own tribe for his friends.' Cf. ep. ad fam. XI 16, 3 *quoniam equitum centurias tenes, in quibus regnas, mitte ad Lupum nostrum ut is nobis eas centurias conficiat*, Q. Cic. ep. de pet. cons. V 5 § 18 *ad conficiendas centurias homines excellenti gratia*, Ter. Eun. V 4, 6 *virginem quam amabat, eam confeci*, i.e. effeci ut ea potiretur. Cf. below l. 14 n. and see Intr. § 12.

l. 10. **plena officii**] cf. ep. ad Att. VII 4, 1 *plenum officii, studiosum meae laudis*, ep. ad fam. XI 27, 1 *homo plenus officii.*

l. 11. **antiquitatis**] = *morum antiquorum*, 'of the good old times.' Cf. or. p. Sest. § 6 *duobus his gravissimae antiquitatis viris probatus*, ib. § 19 *exemplum imperii veteris, imaginem antiquitatis, columen reipublicae diceres intueri*, ib. § 130 *illam divinam gravitatem plenam antiquitatis*, or. p. Rab. Post. § 27 *documentum hominibus nostris virtutis antiquitatis prudentiae*, Aul. Gell. n. a. IV 14 *decretum tribunorum visum est gravitatis antiquae plenum*, de rep. III § 8 *unicum exemplum antiquae probitatis et fidei*, or. p. Caec. § 28 *exemplar antiquae religionis*, Plin. epist. II 9 § 4 *vir sanctus, antiquus*, or. p. Rosc. Am. § 26 *homines antiqui*, ib. § 27 *vestigia antiqui officii* Plaut. Capt. I 1, 38 *ille démum antiquis ést adulescens moribus*, Tac. Ann. III 55 *antiquo cultu victuque.*

isto in genere] i.e. in isto genere hominum, qui apud tribulis suos gratiosi esse voluerunt. W. *Isto in genere* might also signify 'in this respect' (§ 23 l. 1) and with *fuimus ipsi* we might supply *gratiosi* from the following *gratiosos*.

l. 12. **cum ambitionis nostrae tempora postulabant**] 'when the exigencies of my own canvassing for office called for it.' Cf. Tusc. II § 64 *quid de nostris ambitionibus, quid de cupiditate honorum loquar?* de or. I § 1 *si infinitus forensium rerum labor et ambitionis occupatio...constituisset*, III § 7 *ambitionis labore vita districta.*

See the letter of Q. Cicero to his brother *de petitione consulatus* or *commentariolum petitionis* concerning the *rogatio, salutatio, supplicatio, prensatio* and all the other just and lawful means of *ambitio* 'electioneering,' as opposed to *ambitus* which denotes unlawful means, such as bribery and corrupt practices.

l. 14. **decuriatio tribulium**] 'When party-spirit ran high, and the competition was likely to prove keen, the principal supporters (*suffragatores*) of the rival candidates were in the habit, not only of soliciting individually, but of organizing clubs and committees (*sodalitates—sodalicia*) for securing the return of their friends, and of portioning out the constituency into sections (*conscribere* s. *discribere* s. *dicuriare populum*), so as to ensure a thorough canvass; and when they succeeded in obtaining pledges from a majority in any century or tribe they were said *conficere centuriam* s. *tribum*.' Ramsay *R. A.* p. 178: see also Long's Articles on *ambitus* Dict. Ant. p. 77 and cf. the use of the Greek word δεκάζειν, 'to bribe.'

l. 15. **suffragia largitione devincta**] 'the employment of bribery to restrict the freedom of voters,' 'die Knechtung der Stimmfreiheit durch Bestechung' as it is rendered by Nägelsbach lat. St. p. 96.

l. 16. **bonorum omnium**] 'of all patriots,' cf. de off. II § 35 l. 7.

iram ac dolorem excitarunt] See cr. n. The combination *ira et dolor* is found in Tac. Ann. 1, 41 *ut erat recens dolore et ira*, 2, 19 *ea species dolore et ira adfecit* (Germanos), ib. 82 *Romae dolor, ira*, Hist. 2, 86 *dolorem iramque Bedriacensis pugnae retinentes*, 4, 44 *de abolendo dolore iraque*, Q. Curt. 3, 12, 7.

l. 17. **huc incumbe**]=ad hoc incumbe, 'devote all your energies to (the proof of) this.'

l. 18. **conscripsisse**] 'made lists of' bribed voters before marking them off into *decuriae*, Intr. § 12.

sequestrem fuisse] quod coitione facta cum Plotio conpetitore (cf. § 53) tribus quasdam pro pecunia, aput eum deposita, Plotio concesserit vel vendiderit, quemadmodum vicissim Plotius existimandus est tribus quasdam, quas sibi devinctas habuerit, Plancio concessisse. W. Long does not think that this explanation is good, but has none else to offer.

pronuntiasse] i.e. pecuniam promisisse, cf. or. p. Cluent. § 78 *suppressam esse ab eo pecuniam, quam pro reo pronuntiasset, non intelligebant*, ep. ad Qu. fr. II 14 (15 b) § 4 *vel HS centiens constituerunt in praerogativa pronuntiare.*

tum] i.e. haec si docueris. 'Nunc non miror; quia cum haec docere et proferre contra Plancium non posses, ideo tribum eius et ab eo observatas, quibus notissimus esse debebat, edere noluisti.' MANUTIUS

l. 19. **armis**] sc. iudicibus ex tribubus iis delectis, quas Laterensis a Plancio corruptas dicebat. W. Translate: 'Prove your case, Laterensis, and then I shall wonder why you did not use the weapons which the law furnished you with.'

l. 20. **si ista vera sunt**] 'if your statement is true,' viz. *decuriasse, conscripsisse etc. Plancium.* **non modo—sed ne quidem**] the two clauses having a common predicate (*ferre possemus*) to which the negative belongs and the predicate being in the last clause, the negation contained in *ne quidem* extends its influence over the whole, so that instead of *non modo non* we have in the first clause only *non modo.* Cf. above § 30 l. 33, de off. III § 77 l. 34, Kenn. Gr. p. 326 *b*, Madv. Gr. § 461 *b*.

§ 46, l. 22. **cum**] causal, 'since.'

l. 24. **apud hos**] sc. iudices, quos ex iis delegisti tribubus, quibus Plancius notus non est.

l. 25. **hoc oneris**] 'this responsibility.' Cf. below § 68 l. 14, Madv. Gr. § 285 *b*, Zumpt Gr. § 432, Kenn. p. 419.

l. 26. **se divinare**] 'that they should guess rather than that those who knew the facts should pass judgment,' because, as in the technical form of proceeding called *divinatio* or *actio de constituendo accusatore*, the jury had to decide not a question of facts proved by oral or written evidence, but a matter of opinion formed from counsel's statements. Cp. Aul. Gell. n. a. II 4 who after quoting the explanation of the word *divinatio* given by Gavius Bassus, viz. *quoniam divinet quodammodo iudex oportet, quam sententiam sese ferre par sit*, says it is *imperfecta vel magis inops et ieiuna*, and then adds that he seems to mean *idcirco*

dici 'divinationem,' quod in aliis quidem causis iudex ea quae didicit quaeque argumentis vel testibus demonstrata sunt sequi solet, in hac autem re, cum eligendus accusator est, parva admodum et exilia sunt, quibus moveri iudex possit, et propterea, quinam magis ad accusandum idoneus sit, quasi divinandum est.

CHAPTER XIX

l. 29. **cupidos sui**] § 43 l. 25 n, § 55 l. 32. **sodalis**] Intr. § 19 ff.

l. 30. **officiosam amicitiam**] 'a friendship ready to oblige.' Cf. Hor. Ep. I 7, 8 *officiosa sedulitas*. **criminoso**] 'reproachful,' cp. § 4 l. 20. **quia gratiosi sint**] suboblique causal clause, Kenn. Gr. p. 459.

l. 31. **quod tua dignitas postularit**] sc. ut aedilis fieres.

l. 32. **repudiandis gratiosorum amicitiis**] 'because you scorned to cultivate friendship with men of social influence.'

P. 19, § 47, l. 1. **pro multis spoponderit**] 'has become security for many.'

l. 2. **in operas**] sc. societatis, see above § 32 l. 28. Translate: 'has through his father's influence found places for many,' as collectors to the *societates* of the *publicani*, clerks and the like, lit. 'has placed them among the paid officials.' Cf. ep. ad fam XIII 9, 3 *Pupium qui est in operis eius societatis*, or. in Verr. II 3 § 94 *magistratus in provinciis ornabant eos qui in operis erant.*

l. 4. **Atinatem praefecturam**] § 19 l. 18. **comprehenderit**] 'has laid under an obligation to himself,' according to Lewis and Short s.v. So or. p. Cael. § 13 *comprehendere multos amicitia, tueri obsequio*, ep. ad fam. XIII 15, 3 *si hunc adulescentem humanitate tua comprehenderis.*

l. 6. **non potes**] sc. docere.

noli—poena] 'don't consider social influence to be a high crime and misdemeanour, don't prohibit under a penalty all acts of homage to others.' **sancire** is 'to enact' with the addition of a penalty in case of disobedience, hence 'to forbid under pain of punishment,' cf. § 83 l. 12, de off. III § 55, § 69, where see my notes, de leg. II § 22 *incestum pontifices supremo supplicio sanciunto*, III § 46 *vis capite, honoris cupiditas ignominia sanciatur.* The technical name for the clause, contained in every public enactment, which indicated the punishment decreed for offences against it, was *sanctio*, which is sometimes used as an equivalent of *poena* as in Verr. II 4 § 149, see Reid's n. on or. p. Balbo § 33.

l. 9. **haesitantem**] 'at a loss what to say,' unable to get on with this charge of corrupting the tribes by means of *sodalicia*. '*Crimen tribuarium* est, quo obiectast Plancio tribuum corruptio.' W.

8—2

l. 10. te ad communem ambitus causam contulisti] 'you have betaken yourself to the general charge of bribery.' 'Sensus est: postquam criminis sodaliciorum convincere Plancium non potuisti, talia obicis, quae universi ambitus crimina sunt.' W.

l. 11. aliquando] § 17 l. 16, § 33 l. 4, § 36 l. 12. **si videtur]** 'if you please;' 'haec formula vel simpliciter blande et urbane petentis est, vel cum levi quadam et bella ironia,' Jordan on or. p. Caec. § 18 who compares or. p. Quint. § 19, ep. ad. fam. VII 23, 4, IX 8, 2, de nat. d. I § 17, Brut. § 24, ep. ad Qu. fr. III 1 § 7.

volgari et pervagata declamatione] 'common-place and hackneyed tirade,' § 95 l. 3 *minus pervagatum*, orat. § 147 *pervagatissimus ille versus*, de or. III § 188 *haec opera cotidiana et pervagata*, ib. I § 165 *de istis communibus et pervagatis vix huic aetati audiendum putas.*

§ 48, l. 12. quam tibi commodum est] sc. *deligere*, 'which it suits you to choose,' de or. III § 87 *cum est commodum cantat*, Verr. II ii. 13, § 33 *eum iudicem quem commodum erat praeconem,... medicum suum dabat*, ib. 16 § 39 *quinque iudices, quos commodum ipsi fuit, dedit*, de div. I § 3 *ostenderet etiam philosophum, si ei commodum esset, pecuniam facere posse.*

l. 13. tribum unam] sc. earum quas tulit Plancius. W.

l. 14. quo divisore] abl. abs. The *divisores* were the persons employed to distribute the money paid for votes. For the meaning of *sequestrem* see above § 38 l. 3.

id facere] 'to do so,' i.e. *docere per quem sequestrem cet.* On the vicarious use of *facere* or *facere id* see my n. on de off. I § 4 l. 18, and cp. § 2 l. 2, § 77 l. 32, § 91 l. 27.

l. 15. ne incipies quidem] sc. facere.

per quem] Orelli remarks 'acerba satis ironia *per quem* dicens significat Laterensem ipsum; neminem alium, inquit, in culpam voca; tute tua superbia ac morositate fecisti, quo minus aedilitate te donaret populus Romanus, nimis a te posthabitus,' upon which Wunder rightly observes 'simplicius videtur *per quem* explicare *cuius studio.*' *Ferre tribum* is 'to carry a tribe,' i.e. to obtain its votes, cf. Phil. II § 4 *unam tribum sine Curione ferre potuisses?*, Liv. VIII 37, 12 *nec quemquam ferme ex Pollia tribu Papiriam ferre solitum*, Suet. Iul. Caes. c. 13 *ut plura ipse in eorum tribubus suffragia quam uterque in omnibus tulerit*, Hor. A. P. 343 *omne tulit punctum qui miscuit utile dulci.* Cp. ep. ad fam. II 1, 9, *Favonius meam tribum tulit, honestius quam suam.* So *habere tribum*, Q. Cic. de pet. cons. V 18.

l. 16. estne haec vera contentio] 'is not this a fair mode of fighting?' a frequent sense of *verus*, as in de off. III § 43 l. 19 where see my n., de leg. III § 33 *cum aliquid verum et rectum esse dicitur.*

l. 17. **magis pedem conferre**] a military phrase, 'to engage in closer combat;' proprie dictus est is *conferre pedem*, qui tam prope accedit ad adversarium vel hostem, ut in eodem vestigio stet, quo adversarius neque prius recedat, quam aut vicerit aut victus sit. See Erasm. Adag. p. 24, and cf. Liv. XXVIII. 2, 6 *tum pes cum pede conlatus, et gladiis geri res coepta est*, VI 13, 2 *gladios et conlatum pedem ferre non potuit*, XXIX 39, 12 *ut gladiis etiam prope conlato pede gereretur res.*

l. 19. **insector**] 'press hard with words.' Cf. or. p. Font. V § 11 (I § 1) *insector ultro atque insto accusatori; insector, inquam, et flagito testes*, ep. ad Att. X 1, 4 *audaciam improborum insectemur.*

l. 20. **posco atque adeo flagito**] *posco* (= porc- sco from the same root as *precor*, *procus*) signifies to ask urgently and decisively with a feeling of right and power; *flagito* is to demand anything with passionate eagerness, being the stronger expression of the two, as is shown by the use of *atque adeo* 'and in fact,' 'and what's more,' Germ. *und vielmehr*, *und in der That.* See Hand Turs. I p. 504, Ramsay Plauti Mostell. Excurs. I. p. 177.

l. 21. **quam tulerit**] § 48 l. 15 n, § 54 l. 19.

l. 23. **alia—ac tibi**] 'other than to you,' orat. § 237 *potest non solum aliud mihi ac tibi sed mihimet ipsi aliud alias videri*, Kenn. Gr. p. 313, Madvig Gr. § 444 obs. b. *Et* appears to be so used sometimes, as in de off. II § 61 l. 9, or. p. Caec. § 57, de or. III § 66, but according to Zumpt Gr. § 340 n. in all such instances *et* retains its original signification.

nam ut—redditurum] 'for as you, if I were to ask you off-hand, would be able to explain clearly by whose interest you carried the tribes whose votes you secured, so I for my part assert that I would give you—yes, even you my opponent—an account of any tribe you ask me about.'

l. 24. **si iam**] 'supposing for the sake of argument,' an use of *si iam* first pointed out by Madvig on de fin. IV § 66, who quotes or. p. Balb. § 37 *quod si iam ita esset, ut esse non potest*, or. in Cat. I § 5 *si te iam, Catilina, comprehendi iussero.* See moreover Munro to Lucretius I 968. *Si iam* means also 'even if,' see Kühner on Tusc. IV § 65, § 75, Halm on or. in Vatin. § 15 p. 64, ep. ad Att. V 4, 1.

l. 25. **me tibi ipsi adversario—redditurum**] non sine causa pronomini tibi adiecit verba *ipsi* et *adversario*, eam significans Planci docere se posse innocentiam esse, ut non alii tantum, de reo minus severe iudicantes, sed ipse accusator concedere cogatur, nihil a Plancio admissum esse, quo tribus corrupisse dici queat. W.

CHAPTER XX

§§ 49—50. *But the election of Plancius to the aedileship was already a settled matter in the former year, when the Comitia were attempted to be held, but for some reason postponed, when there was no possibility of Plancius employing bribery and corruption, even if he had thought of doing so, because so short a notice was given by the presiding officers of the election, and, as the vote of the centuria which votes first determines the votes of those which come after, so Plancius' prior election made his second election sure. Though Laterensis, had he stooped to make himself popular with the electors, might even then, in the interval between the two elections, have influenced them to vote for himself.*

§ 49, l. 28. **sed cur sic ago? quasi cet.**] we might also punctuate thus: *sed cur sic ago quasi cet.* We have an instance of *quasi* serving as a correlative to *sic* in de sen. § 26 *litteras Graecas—sic avide arripui quasi diuturnam sitim explere cupiens;* where *ita* would be more usually employed. 'Nexus orationis hic est,' says Wunder, 'conprobare Cicero c. XIX volebat, Plancium suffragia tribuum, quas tulisset, non largitione devinxisse. Id nunc negat demonstrandum a se esse propterea quod priora comitia, in quibus Plancius aedilis sit designatus, eo modo sint habita, ut nullo pacto tribus corrumpi potuerint.'

comitiis superioribus] 'Intellegenda sunt ea, quae a. 699 Cn. Pompeio II M. Licinio Crasso coss. haberi coepta, set propter obnuntiationem absoluta non sunt.' W. See Intr. § 3.

l. 30. **consul**] M. Licinius Crassus, the very man who had carried the *lex Licinia de sodaliciis* (§ 36), and who certainly would not be likely to have connived at a breach of his own law at the election over which he himself presided.

consul—summa auctoritate] abl. description or characteristic of quality, Kenn. Gr. p. 399 § 153, Roby Gr. II 1232.

l. 31. **habere coepit subito cet.**] 'he determined so suddenly and unexpectedly to hold the election that no one had time given him to make the necessary provisions, even if he had thought of bribing.'

l. 33. **comparandi**] 'for getting ready,' as in Liv. XXXV 45, 5 *ut Romani tempus ad comparandum habeant,* XLII 52, 8 *fallaci colloquio extractam hiemem ut tempus ad comparandum haberent,* Corn. Nep. Thrasyb. II 2 *tempore ad comparandum dato.*

P. 20, l. 1. **diribitae tabellae**] 'the votes were sorted,' § 14 l. 25. The word *tabellae* is a conjectural addition of Wunder's, adopted by Baiter, Kayser, Hirschfelder. He objects to *diribitae tribus* in the sense 'the votes of the tribes were distributed.' He proposes at the same time to erase *renuntiatae* as a term inapplicable to *tabellae* and because it disturbs the symmetry of the sentence. See § 14 l. 26.

l. 2. **longe plurimum valuit]** cf. § 50 l. 12, Hor. Ep. I. 6, 52 *hic multum in Fabia* (sc. tribu) *valet*, *ille Velina*.

l. 3. **ain tandem?]** for *aisne tandem*=quid tandem? 'do you really mean it?' 'indeed?' 'is it possible?' an emphatic 'what?' Wunder quotes de fin. IV 1 § 1, de leg. I. § 53, II § 24 *ain tandem, Attice, non es dicturus aliter?* III § 14, de rep. I § 23, ep. ad fam. IX 21, ep. ad Att. VI 2 § 8, and on *ain tu* de or. I § 165, Brut. § 152, ep. ad Att. IV 5 § 1, VI 1 § 17, XII 6 § 1, Tusc. V § 35 *ain tu? an aliter id scire non potes?* where Kühner notes '*ain' tu?* eandem fere vim habent quum Graeca τί δαί: est admirandi formula de re, quae nobis inexpectata accidit,' *ain vero?* de rep. I § 19, to which add Ter. Andr. V 3, 4, Phorm. II 3, 26. Observe that the proposition which follows *una centuria—illum annum* is premised to give more effect to the second *aedilem—declaravit* by its contrast; see above, § 26 l. 5 n., § 41 l. 32.

centuria praerogativa] 'the century to which it fell by lot to vote first in the comitia.' Its vote was looked upon as an indication of the will of heaven (*praerogativam maiores omen—comitiorum esse voluerunt*, de div. I § 45), and as such, was followed in elections at least by a majority of the centuries, cf. Liv. XXVI 22, 2. Ramsay *R. A.* p. 119.

l. 4. **ut nemo umquam eam tulerit cet]** 'that no one has ever carried it, *i.e.* been voted for by it, without afterwards being declared duly elected the first of the two consuls either at that very election, or if not, at all events for the current year.'

l. 5. **quin renunciatus sit]**=qui non renunciatus sit, Kenn. Gr. p. 456.

prior] cf. or. in Pis. 1 § 2 *me quaestorem in primis, aedilem priorem, praetorem primum cunctis suffragiis pop. Rom. faciebat*, or. p. Mur. § 35 *in praeturae petitione prior renunciatus est.*

l. 6. **in illum annum]** i.e. the current year, for which the comitia for the election of consuls was held. If the vote of the *praerogativa* had such influence in determining the election to the consulate, can Laterensis be surprised at Plancius' election to the aedileship, when he had the *praerogativa* not merely of the part of a tribe, but of the whole comitia, *i.e.* when his prior election made his second election certain?

l. 7. **in quo]** 'in whose case,' 'when in his case,' an adjectival causal clause, Kenn. Gr. p. 451. Observe that Cic. speaks of the *centuria praerogativa* as *exigua pars populi* opposed to *populus universus*; and as *unius tribus pars* in opposition to *tribus omnes* or *tota comitia*.

l. 8. **cuius in honore]** 'in whose election to a state office.'

l. 9. **comitia tota comitiis fuerint praerogativa]** Garatonius cum *praerogativa* ita explicat, ut *praerogativa* pro adiectivo habeat, minime a volgata scriptura *praerogata* differt. Nam adiectivo *praerogativos* nonnisi is significari potest, qui primus suffragia fert. Ea ipsa autem

significatio aliena ab hoc loco est, in quo apparet hoc debere Ciceronem dicere, in Planci honore tota comitia superiora faustum omen posterioribus comitiis fuisse. Itaque non dubito quin *praerogativa* pro substantivo habendum sit, atque, ut in Cic. ep. ad div. XV 5 § 2 *quodsi triumphi praerogativam putas supplicationem* et alibi, faustum omen significet. Recte autem dativos *comitiis* se habet. Cp. Ovid Metam. V 550 *dirum mortalibus omen bubo*. W. Cic. I. *Verr.* 9. 26, *Mur.* 18 § 38.

§ 50, l. 10. **id facere—quod—fecerunt, ut**] observe that the *ut*-clause is here in apposition to the pronoun, which it serves to expand, defining what is meant more precisely. Cf. § 8 l. 3, § 16 l. 11, § 72 l. 8, § 75 l. 19, Kenn. Gr. p. 440.

l. 12. **cum minus valuissent suffragiis quam putassent**] 'since they were not so strong in votes as they had expected,' § 49 l. 2.

l. 13. **prolatis comitiis**] 'by an adjournment of the meeting,' either by *obnuntiatio* or because of a case of *morbus comitialis*, Ramsay *R. A.* p. 114. Cf. Plaut. Capt. I 10 *ubi prolatae res sunt*, 'when public business is put off.'

l. 15. **ad te conversura fuerit**] 'would have come round to you,' Kenn. Gr. p. 485, 6. Other instances of the intrans. use of *convertere* are Brut. § 141 *hoc vitium huic uni in bonum convertebat*, Sallust Cat. VI 7 *ubi regium imperium in superbiam dominationemque convertit*, Lucr. V 1422 *disperiisse neque in fructum convertere quisse*.

numquam enim—nobilitas—supplex] exprobrat identidem superbiam, quod nimia fiducia nobilitatis dedignatus sit populo supplicare ac propterea non impetraverit aedilitatem, quae a Plancio verecundius atque demissius peteretur. SCHOL. VAT.

l. 16. **integra praesertim**] i. q. praesertim si integra esset.

l. 17. **supplex repudiata est**] i.e. cum supplicaret, or. p. Sest. § 54 *gener a Pisonis consulis pedibus supplex reiciebatur*.

l. 18. **pluris fuit**] Roby Gr. II preface p. lviii ff., Kenn. Gr. § 169.

l. 20. **minoris putaris**] sc. esse.

l. 21. **secundo**] very rarely used without *loco* for 'secondly,' 'in the second place,' cf. de leg. I § 35. Hirschfelder adds *loco* without MS authority.

l. 23. **eis denique**] 'just to those persons' = Gr. τούτοις δή, see n. on § 4 l. 26, and cf. ep. ad fam. X 10, 1 *is enim denique honos mihi videri solet, qui non propter spem futuri beneficii, sed propter magna merita claris viris defertur*, or. p. Quinct. § 38, Ov. Am. III 4, 5 *si qua metu dempto casta est, ea denique casta est*.

l. 24. **ambitioni**] multis enim ambientibus honos datur: sed eis iucundior esse debet, quorum dignitati datur. MANUTIUS

CHAPTER XXI

§§ 51—53. *Laterensis must not imagine that he has disgraced his ancestors or suffered any deterioration of character or prospects because he failed to obtain the aedileship, for* (1) *many great and distinguished men before him have failed similarly, who have subsequently risen to the highest state offices, and the people may be said to have done a service to some of them in refusing them the curule aedileship, an office of great cost;* (2) *his freedom of speech on politics and his independent conduct in desisting from his canvass for the tribuneship must have given offence and raised a prejudice against him, which he may yet get over in time.*

§ 51, l. 26. **quid—respondeas**] 'what answer you are to give,' Madv. Gr. § 353.

imaginibus] 'ancestral images' put for 'ancestors of distinction,' § 18 l. 11, § 31 l. 26: cf. or. de leg. agr. II § 100 *si quid deliquero, nullae sunt imagines, quae me a vobis deprecentur.*

l. 28. **ista**] said contemptuously, as in *ista aedilitate* below, p. 21, l. 2.

l. 29. **querella dolorque**] 'gloomy complaint' a hendiadys, as in or. p. Flacc. § 55 *iustum dolorem querellasque cognoscite.* Cf. § 76 l. 22.
illis sapientissimis viris] sc. patre tuo maioribusque quorum imagines appellas.

l. 30. **Appium Claudium**] Appius Claudius Pulcher, grandson of C. Claudius Pulcher who was consul in B.C. 130, was himself made consul in B.C. 79 with P. Servilius Vatia, though he had been an unsuccessful candidate for the curule aedileship, cf. Appian *B. C.* I 103. He was afterwards governor of Macedonia, where he died.

l. 31. **vivo fratre suo**] So Mu La after Mommsen for MSS *patre.*

l. 32. **civi**] this form of the abl. of *civis* was probably the only one used in the best prose, as were *imbri, angui, avi, bili, orbi,* Priscian p. 766, Neue Formenlehre I, 219 ed. 2.

et eundem sine repulsa factum esse consulem] 'and yet he was made consul without having been before rejected,' cf. or. in Pis. § 2 *gloriatur se omnes magistratus sine repulsa assecutum,* or. de leg. agr. II § 3 *qui sine repulsa consules facti sunt,* on the other hand Tusc. V § 54 *C. Laelii unum consulatum et eum quidem cum repulsa.*

P. 21, l. 1. **L. Volcatium**] L. Volcatius Tullus, the first member of his gens who obtained the consulship, was consul in B.C. 66 with M. Aemilius Lepidus, or. in Cat. I § 15, ep. ad Att. XII 21, 1.

M. Pisonem] § 12 l. 28 n.

l. 2. **ista in aedilitate**] said with a sneer, 'in that aedileship which you talk so much about,' above § 7 l. 28 *his levioribus comitiis,* cf. § 13

reddam tibi istam aedilitatem etiam neglegenter petenti, or. in Verr. I § 37 *ego autem* (ero) *aedilis, hoc est, paullo amplius quam privatus.*

offensiuncula] 'an unimportant failure;' an ironical diminutive, on which see de off. I § 41 n. As to the meaning of *offensio* see my n. to de off. I § 71 l. 27, and add de imp. Cn. Pomp. 28 *offensione iudicii.* de legg. I 43 *offensiones belli.*

summos honores] consulatum.

l. 3. avus vero—repulsam] totum hoc — sufficienter implevit— quoniam fecerat ille quaestiunculam, ut ambisse Plancium ex hoc probaretur, quod praepositus esset nobilissimo senatori. Hic ergo quasi ex persona patris eius et avi de aliis etiam nobilibus intulit mentionem, quos repulsos ab honore constabat. Illo igitur tendit argumentationis effectus, eos vel maxime, qui blande et suppliciter petant, facilius designari solere; quando superbia nobiliorum ad invidiam sive odium proclivior esse consuerit. SCHOL. VAT.

P. Nasicae] P. Cornelius P. f. P. n. Scipio Nasica Serapio, consul with D. Junius Brutus Callaicus B.C. 138 = A.U.C. 616 (Brut. § 85), was son of a daughter of the elder Scipio Africanus. Cicero speaks of him here as *fortis*, because he was the leader of the senate in the attack upon his cousin Tiberius Gracchus (§ 88 l. 8, de off. I § 76, Brut. § 212, Tusc. IV § 51, de or. II § 285), after whose death he was sent by the senate on a *legatio*, a form of honourable exile, to Pergamus to withdraw him from the vengeance of the democratical party (de am. § 41, or. p. Flacco § 75). No statue was erected to him as to other tyrannicides (de rep. VI 8, 8). See Stemma Scipionum n° 16 p. 94.

l. 4. praedicaret] 'would tell you of the repulse that P. Nasica suffered respecting the aedileship.'

aediliciam repulsam] i. q. aedilitatis repulsam, cf. § 52 l. 8, de off. II § 58 l. 5.

l. 5. statuo] 'I am of opinion.'

C. Mari] Plutarch. Mar. c. 5, 1 *μετὰ δὲ τὴν δημαρχίαν ἀγορανομίαν τὴν μείζονα* (*aedilitatem maiorem*) *παρήγγειλε. δύο γάρ εἰσι τάξεις ἀγορανομιῶν, ἡ μὲν ἀπὸ τῶν δίφρων τῶν ἀγκυλοπόδων, ἐφ' ὧν καθεζόμενοι χρηματίζουσιν, ἔχουσα τοὔνομα τῆς ἀρχῆς, τὴν δ' ὑποδεεστέραν δημοτικὴν καλοῦσιν. Ὅταν δὲ τοὺς ἐντιμοτέρους ἕλωνται, περὶ τῶν ἑτέρων πάλιν τὴν ψῆφον λαμβάνουσιν. Ὡς οὖν ὁ Μάριος φανερὸς ἦν λειπόμενος ἐν ἐκείνῃ, ταχὺ μεταστὰς αὖθις ᾔτει τὴν ἑτέραν. Δόξας δὲ θρασὺς εἶναι καὶ αὐθάδης ἀπέτυχε· καὶ δυσὶν ἐν ἡμέρᾳ μιᾷ περιπεσὼν ἀποτεύξεσιν, ὃ μηδεὶς ἔπαθεν ἄλλος, οὐδὲ μικρὸν ὑφήκατο τοῦ φρονήματος, ὕστερον δ' οὐ πολλῷ στρατηγίαν* (*praeturam*) *μετελθὼν ὀλίγον ἐδέησεν ἐκπεσεῖν, ἔσχατος δὲ πάντων ἀναγορευθεὶς δίκην ἔσχε δεκασμοῦ.*

duabus aedilitatibus repulsus] ablative of respect or thing in point of which a term is applied, Kenn. Gr. p. 398, Madv. Gr. § 253, Zumpt Gr. § 457, Roby Gr. II 1210. This is the reading found in E and adopted by Wunder and Köpke: Baiter Kayser and Hirschfelder retain the vulgate *duabus ae[illegible]is repulsis.*

l. 6. **septiens consul**] in B.C. 107 with L. Cassius Longinus, in B.C. 104 with C. Flavius Fimbria, in B.C. 103 with L. Aurelius Orestes, in B.C. 102 with Q. Lutatius Catulus, in B.C. 101 with M'. Aquilius, in B.C. 100 with L. Valerius Flaccus and lastly in B.C. 86 with L. Cornelius Sulla II.

L. Caesaris] L. Julius L. f. Sex. n. Caesar (elder brother of C. Julius Caesar Strabo one of the interlocutors in the dialogue *de oratore*, cf. de off. I § 108, § 133) was consul in B.C. 90 with P. Rutilius Lupus when the Social War broke out. (He must not be confounded, as he is by Appian B. C. I 40 with Sextus Julius Caesar, uncle of the Dictator who was consul B.C. 91). He carried a law (*lex Iulia de civitate sociorum*) which enfranchised all corporate communities in Italy, except those which had joined in the rebellion, provided that they formally consented to be incorporated as *Romani cives*, or. pro Balb. § 21, Aul. Gell. n. a. IV 4, 3, Ramsay *Rom. Ant.* p. 68. On the breaking out of the civil war in B.C. 87, he and his brother, being opposed to Marius and Cinna, were killed by Fimbria (Tusc. V § 55, de orat. III § 10, Val. Max. IX 2 § 2).

l. 7. **Cn. Octavi**] Gnaeus Octavius, grandson, son and father of a consul, was himself consul in B.C. 87 (Brut. § 176) with L. Cornelius Cinna. He was one of the staunch supporters of the aristocratical party, which was perhaps the reason that he failed in obtaining the aedileship. After Sulla's departure from Italy to carry on the war against Mithridates, Cinna tried to obtain the power for the Marian party by incorporating the new Italian citizens among the thirty-five tribes, and thus a contest arose between the two consuls, which ended in the expulsion of Cinna from the city. But Cinna soon returned with Marius at the head of an army against the city, which was compelled to surrender, and Octavius was one of the first victims in the massacres which followed. This is called the *bellum Octavianum*, Vell. Pat. II 20, Val. Max. I 6 § 10, Tusc. V § 55, or. in Cat. III § 24, or. p. Sest. § 77 *caedem tantam, nisi forte illo Cinnano atque Octaviano die, quis umquam vidit?*

M. Tulli] M. Tullius M. f. A. n. Decula was consul in B.C. 81 with Cn. Cornelius Dolabella during the dictatorship of Sulla, de leg. agr. II § 35, Aul. Gell. n. a. XV 28, Appian B.C. I 100.

aedilitate praeteritos] sc. suffragiis, cf. Tusc. V § 54, above § 14 l. 22, cf. § 8, § 18. For the ablative see above l. 5.

§ **52**, l. **8**. **aedilicias repulsas**] = aedilitatis s. aedilium repulsas, above l. 4: cf. § 53 *neque enim umquam maiores nostri sortitionem constituissent aediliciam nisi—*, Liv. XXII 26, 4 *dictatoria invidia*, III 42, 6 *decemvirali odio*, Nägelsb. lat. Stil. p. 62.

l. **10**. **benigne—factum**] 'that a favour, as it would seem, was done them' (§ 47 l. 1), inasmuch as by not being elected they escaped the expense of the public shows (*munera*) which the aediles had to exhibit.

l. 11. L. Philippus] Lucius Marcius Philippus Q. f. Q. n. was tribune of the plebs B.C. 103, in which year he brought forward a law chiefly memorable for his statement that there were not 2000 men of property in the state (de off. II § 73 where see my note). In B.C. 100 he was one of those who took up arms against Saturninus. He was a candidate for the consulship B.C. 93 but defeated by Herennius (Brut. § 166, or. p. Mur. § 36), consul B.C. 91 with Sextus Julius Caesar, when he distinguished himself by his opposition to the measures of the tribune M. Livius Drusus (above § 33, de legg. II § 31, or. p. dom. § 41, § 50), censor B.C. 86 with M. Perperna. Cicero speaks very highly of him in several passages, or. p. Mur. § 36, p. Quinct. § 72, Brut. § 173 where as a speaker he is said to have *summa libertas, multae facetiae*, and to be *satis creber in reperiendis, solutus in explicandis sententiis* (see n. on de off. I § 108). He is the same as the Philippus of whom Horace (Ep. I 7, 46) tells the well-known anecdote.

summa nobilitate] Fabri on Livy XXI 1, 4 gives several instances in which the genitive of quality accompanies a Proper Name enthetically without an appellative (Kenn. Gr. p. 415), Liv. XXII 60, 5 *T. Manlius Torquatus priscae ac nimis durae severitatis*, XXX 4, 1; 7, 26, XLII 55, 1. The following are instances where the ablative is so used, above § 12 l. 1, or. in Pison. § 44 *M. Marcellus, qui ter consul fuit, summa virtute, pietate, gloria militari periit in mari*, ep. ad fam. V 8, 2 *eximia pietate, virtute, gratia tui Crassi meis consiliis, monitis, studiis, actionibusque nituntur*, Caes. B. G. II 6.

l. 12. C. Caelius] Gaius Caelius Caldus was consul B.C. 94 with L. Domitius Ahenobarbus, being the first of his family to obtain any curule office (or. p. Mur. § 17, Verr. V § 180). He was tribune of the plebs B.C. 107, when he proposed a *lex tabellaria*, which provided that in the courts of justice voting by ballot should apply to cases of high treason also (*perduellio*), hitherto excepted from the operation of the *lex Cassia* B.C. 137 (Plin. ep. III 20). In the civil war B.C. 83 he was a supporter of Marius. Q. Cic. de pet. cons. § 11 *quanto melior tibi fortuna petitionis data est quam nuper homini novo C. Caelio! Ille cum duobus hominibus ita nobilissimis petebat, ut tamen in eis omnia pluris essent quam ipsa nobilitas...Ac tamen eorum alterum Caelius, cum multo inferior esset genere, superior nulla re paene, superavit.* As a speaker, he did not rise above mediocrity, Brut. § 165, de orat. I § 117.

l. 13. Rufus] P. Rutilius Sp. f. Sp. n. Rufus (de off. II § 47), famous as soldier, orator and man of letters, was consul in B.C. 105, and in B.C. 99 *legatus* under Q. Mucius Scaevola when proconsul of Asia. While acting in this capacity, by repressing the illegal extortions of the tax-collectors (*publicani*) he incurred the hatred of the equestrian body. Accordingly on his return to Rome he was unjustly arraigned of malversation (*de repetundis*)), found guilty and compelled to withdraw into banishment in B.C. 92 (Athenaeus IV. p. 168 A παρὰ δὲ Ῥωμαίοις μνημονεύεται, ὥς φησι Ποσειδώνιος ἐν τῇ ἐνάτῃ καὶ τεσσαρα-

κοστῇ τῶν ἱστοριῶν, Ἀπίκιόν τινα ἐπὶ ἀσωτίᾳ πάντας ἀνθρώπους ὑπερηκοντικέναι. οὗτος δ' ἐστὶν Ἀπίκιος ὁ καὶ τῆς φυγῆς αἴτιος γενόμενος Ῥουτιλίῳ τῷ τὴν ῥωμαϊκὴν ἱστορίαν ἐκδεδωκότι τῇ Ἑλλήνων φωνῇ, Cicero or. p. Font. § 28, Brut. § 135, de nat. deor. III § 80, de orat. I § 229, or. p. Rabir. § 27). He retired to Smyrna, where he passed the rest of his life in literary pursuits and declined Sulla's offer to reinstate him at Rome (Val. Max. VI 4 § 4, Ov. ep. ex Ponto I 3, 63, *et grave magnanimi robur mirare Rutili, | non usi reditus condicione dati; | Zmyrna virum tenuit, non Pontus et hostica tellus*, Cic. or. p. Balbo § 28, de nat. deor. III § 80, de rep. I § 13, Tac. ann. IV 43, Sen. cons. ad Marc. 22, 3, dial. IX 16, 1, de ben. V 17, 2, VI 37, 2, ep. mor. III 3, 4, XVI 3, 12). Athenaeus (VI p. 274 C) tells us, doubtless on the authority of Posidonius, that he, Tubero and Scaevola, were the only three Romans who observed the *lex Fannia sumptuaria*. In Brutus § 114 Cicero speaks of him as *Panaetii auditor, prope perfectus in Stoicis*. See Ellendt, *hist. rom. eloq*. § 30 p. 37 ff. ed. Dübner for an account of his orations.

C. Fimbria] § 12 l. 31.

l. 14. **C. Cassius**] C. Cassius L. f. Q. n. was consul in B.C. 96 with Cn. Domitius Ahenobarbus.

Cn. Orestes] Cn. Aufidius Orestes Aurelianus was consul in B.C. 71 with P. Cornelius Lentulus Sura (or. pro dom. § 35). He appears to have carried his election by the magnificent treats he gave the people (de off. II § 58).

quos tamen omnis consules scimus factos esse] * * executus congestis nominibus plurimorum videtur mihi aliquid et ad consolandum Laterensem facere, ne diffidat reliquis honoribus post aedilitatis repulsam; quando illi hac specie honoris non impetrata pervenerint tamen ad fastigium consulare. SCHOL. VAT.

l. 15. **ultro**] 'of themselves,' spontaneously, § 26 l. 3.

l. 16. **non consolandi tui gratia**] iacturam enim dignitatis nullam fecisti, ut consolandus esse videaris. MANUTIUS

neque vero quo—cohortentur] 'no, nor in order that they may relieve you of any supposed blame which you are afraid may be thought to have been incurred by you, but that they may encourage you to keep to that career which you entered upon at the commencement of your political life.'

l. 17. **quam tu vereris, ne—videatur**] observe that the subject of the subordinate clause is here made the object of the primary, 'about which you are afraid lest—;' a construction more frequently found in Greek than Latin, Farrar Gr. Synt. § 63 who quotes Plaut. *eam veretur ne perierit*. C. F. W. Müller suspects that Cic. wrote *quae*.

l. 18. **ad istum cursum tenendum**] sc. vitae, 'to keep on your present course:' ep. ad fam. I 9 *stultum est eum tenere cum periculo cursum, quem ceperis, potius quam eo commutato quo velis tandem*

pervenire, or. p. Sest. § 99 *ut tenere cursum possint et capere otii illum portum*, coll. § 101, or. Phil. VIII § 11 *quem enim cursum industria mea tenere potuisset?*, de rep. I 2 § 3 *teneamus eum cursum qui semper fuit optimi cuiusque*. The metaphor is taken from a ship at sea, cf. § 94 *navem—cursum tenentem suum*, de nat. deor. III § 83 *navigabat Syracusas; isque, cum secundissimo vento cursum teneret*, Caesar B. G. IV. c. 26.

l. 19. **nihil est de te detractum**] 'you have not been lowered in public estimation,' cf. de off. I § 134, de or. I § 35, or. in Pis. § 71 *de ipso qui scripsit detrahi nihil volo.*

l. 20. **detractum dico**] a correction of a previous statement (de or. III § 204, orat. § 135) which is more frequently introduced by *immo vero* as or. in Cat. I § 2 *vivit? immo vero etiam in senatum venit*, or. p. Sest. 52 § 110 *cui bene dixit umquam bono? bene dixit? immo quem bonum civem—non est insectatus?* Verr. IV § 6.

l. 21. **est aliquid etiam de virtute significatum tua**] 'the repulse is even more or less an indication of your merit.' 'Quod reservare populus Laterensem ad maiorem magistratum, in quo ei magnae utilitati esse posset, videri potest voluisse. Cf. § 15.' W.

CHAPTER XXII

l. 23. **magnum quemdam motum fuisse petitionis tuae**] = animorum motum de tua petitione, 'that a very considerable stir was created by your candidature.' For examples of the objective genitive see my n. on de off. I § 43, Zumpt Gr. § 423 *n*, Kenn. Gr. p. 421 § 174, Madv. Gr. § 283 *obs*. 3, Nägelsb. lat. Stil. § 120, Roby Gr. II 1318, and cp. de am. § 20 *divinarum humanarumque rerum consensio* for *de rebus*. On the force of *quendam* see n. to de off. I § 95 l. 29.

l. 24. **ne aliquid iurares**] 'from which you desisted, that you might not have to swear something.' The reference is to the *lex agraria* of C. Jul. Caesar *de xx viris creandis ad campum Stellatem agrumque Campanum civibus dividendum, quibus terni pluresve liberi essent* (Sueton. Caes. 20), which prescribed 'that all candidates in their candidatorial speech to the people (their *oratio in toga candida*) should imprecate a curse on themselves if they should even suggest any other mode of occupation for the land than that laid down by the Julian law' (*habet etiam Campana lex exsecrationem in contione candidatorum si mentionem fecerint, quo aliter ager possideatur atque ut ex legibus Iuliis*, ep. ad Att. II 18 § 2). Laterensis was the only one who refused to take the oath (*non dubitant iurare ceteri: Laterensis existimatur laute fecisse, quod tribunatum pl. petere destitit, ne iuraret*, ibid. See Intr. § 6.

Observe the use of *aliquid* in final negative clause.

Tacite quidem subiecit causam, quae Laterensi vel maxime obfuisse videatur, quod eum dicat aliquid noluisse iurare ac propterea im-

pugnatum, quo magis repulsam ferret. Existimamus igitur eum legem Iuliam significare, quam Caesar consul agrariam tulerat de [trium]viris creandis, et per seditionem, quantum se habet fides historiae, et M. Bibulo servante de caelo. In hanc Laterensis videtur iusiurandum suum dicere noluisse * * *. Tamen M. Tullius non expressit ipsam legis Iuliae mentionem, ne Caesaris animus laederetur. SCHOL. VAT.

l. 24. **homo adulescens**] i.e. cum esses homo adulescens, cf. § 50 l. 17.

l. 25. **de summa re publica**] 'about the vital interests of the state,' cf. or. p. Rosc. Am. § 148 *summa res p. in huius periculo temptatur*, or. in Cat. I § 14 *quae non ad domesticam difficultatem sed ad summam rem p. pertinent*. Hence, as Halm observes on the last-quoted passage, the conception passes at once into the meaning of 'the supreme danger of the state,' as in Cat. III § 13 *consului senatum de summa re p. quid fieri placeret*, i.e. cum summa res p. ageretur, or. p. Sull. § 67 *epistulam ad Pompeium misi de meis rebus gestis et de summa re p.*, or. p. Sest. § 25 *omnes...summae rei p. a consulibus...petendum esse auxilium arbitrabantur*, where see my n.

fortius tu quidem] 'more boldly, it is true:' on *quidem*, with personal and other pronouns prefixed, in a concessive signification, see above § 21 l. 7, § 27 l. 24, my n. to de off. I § 2 l. 14, § 60 l. 29, Kenn. Gr. p. 285, Madv. Gr. § 489 b, Roby Gr. II 2259.

l. 26. **apertius quam vel ambitionis vel aetatis tuae ratio postulabat**] 'more openly, more frankly, than was called for by the circumstances of your canvass or your youth.' Cf. de am. § 97 *apertum pectus*, div. in Caec. § 23 *aperte* ('unblushingly') *ab iudicibus petit*, or. p. Mur. § 51 *ille* (Catilina) *ut semper fuit apertissimus in dicendo*, Phil. II § 111 *apertiorem in dicendo*. 'Non debebas te, cum tribunatum plebis peteres, talem ostendere, qui optumatibus, id quod non iurando in legem Caesaris declarasti, magis quam populo faueres.' W.

§§ **53—55**. *Plancius is cleared of the suspicion of coalition* (coitio) *i.e. a combination of one candidate with another to prevent the election of a third. The mere equality of votes for Plotius and Plancius does not prove anything against the latter. They could not have been chosen if they had not had a majority of the tribes. Had it not been foreseen that candidates might have such an equal number of votes, no provision would have been made for the election being determined by lot. Laterensis asserts that Plotius at the first election had promised to help Pedius, and Plancius Laterensis each with his own* tribus, *but that they refused to do so at the second election, fearing that they might want the votes of these* tribus *themselves. Cicero argues that there is no consistency in the assertion that they were willing to do this before the second election where the result was uncertain, and refused to do the same again when the result was foreknown and they saw that they were secure for the next election. Lat. had charged Plotius with* coitio *as well as Plancius, but he had only prosecuted Plancius. Accordingly, says Cicero, you show*

that you have fastened on the man who did not entreat you to forbear prosecution. Laterensis says that Plancius bribed the Voltinia tribus *and that he has witnesses to the fact out of that* tribus, *more in number than he had votes in that* tribus. *Cicero answers 'If the tribe was bribed, he must be either producing some men as witnesses, who did not vote for him because they were bribed (by somebody else), or that he did not get even their votes for nothing; i.e. if they were not bribed by another, they must have been bribed by himself: for the tribe was bribed. As to the sum of money which was found in the Circus Flaminius, and was suspected to have been intended for the bribed voters, since no claimant came forward for it, if you thought Plancius had anything to do with it, you might have prosecuted the suspected party, and so, if you had succeeded in condemning him, obtained presumptive proof of the complicity of Plancius.*

§ 53, l. 27. **quam ob rem**] sc. quia apertius denuntiasti.

l. 28. **in dissentiente populo**] 'where people disagreed, held different views, took different sides, on political questions,' cf. de off. II § 4 l. 17 n, Kenn. Gr. § 195, Madv. Gr. § 374, Roby Gr. II 1700, Zumpt Gr. § 317.

l. 29. **incautum**] i.e. cum incautus fueris.

l. 30. **tuo loco demovere**] 'to dislodge from your position,' 'to make you give ground,' 'set aside,' a metaphor from the palaestra; so *de gradu deici* de off. I § 80 l. 23; cf. or. p. Caec. § 49 *demoveri et depelli loco necesse est eum qui deiciatur; id autem accidere ei qui potest, qui omnino in eo loco, unde se deiectum esse dicit, numquam fuit.* On *fortasse*)(*certe* cf. § 20 l. 4.

l. 32. **an te illa argumenta duxerunt cet.**] ex parilitate congruentium suffragiorum nitebatur probare Laterensis conspirationem quandam fuisse, quando et hic, qui reus est, et Plotius per easdem tribus designati sunt. Respondetur a Tullio, non esse mirandum, quippe cum designatio in duobus eandem habuerit aequalitatem suffragantium. SCHOL. VATIC. Translate: '(Do you agree with me), or have you been influenced by the following arguments?' 'Can you doubt,' says Laterensis, 'that a coalition was entered into between Plancius and Plotius, when they carried the majority of the tribes?'

To this question Cicero replies 'Could they possibly have been elected together, if they had not together got the votes of the tribes?' 'But then,' Laterensis still insists, 'they carried some of the tribes by almost exactly the same number of votes.' 'Of course they did,' replies Cicero, 'since they had been already all but elected and returned at the former comitia; though that circumstance did not, any more than this should, involve a suspicion of a coalition between them (and mere equality of votes proves nothing), because, had not such a thing as the possibility of candidates having an equal number of votes *been foreseen* by our ancestors, they would never have provided for

the election to the ae[illegible]
office) being determined [illegible]

an te — duxerunt [illegible]
Plotium et Plancium [illegible]
Already in § 49 [illegible]
rustic, which was assumed [illegible]
the sudden and unexpected [illegible]
does it by a glance at the [illegible]
elected at all. We infer [illegible]
bribery [illegible] because [illegible]
comitia [illegible] because [illegible]
tribes [illegible] because [illegible]
one of the tribes [illegible]
[illegible]
the second [illegible]
§ 33 [illegible]
for the [illegible]
duxerunt [illegible]
fieri [illegible]

P. 22 l. 1 potuerunt [illegible]

l. 2. at [illegible]
answered [illegible]

quippe [illegible]

l. 3 venirent [illegible]

l. 4 ne id quidem [illegible]

suspicionem habuerit [illegible]

l. 8 tacitis auditores [illegible]

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uemdam depre-
rell, Cic. Corr.
Voltinia and Lat
ribus and wit

curules. Fieri tamen poterat, et ut plures quam duo peterent, et ut plures etiam pares suffragiis essent. Quod si accideret, constitutum est a maioribus, ut sortirentur, quinam ex iis aedilitatem gererent. Sin autem soli duo totidem suffragia tulissent, sortitio locum non habebat. MANUTIUS. **l. 6. viderent**] see cr. n. and cf. § 88 l. 3.

§ **54, l. 7. et ais**] the third argument of Laterensis, by which he really accuses himself of an intended *coitio.*

Aniensem] the *tribus* of Plotius, as the *Teretina* was that of Plancius, § 21 l. 15, § 38 l. 1.

l. 9. ab utroque] i.e. by Plotius and Plancius, the former of whom did not help Pedius nor the latter Laterensis at the second election with their respective *tribus*, for they feared they might want the votes of these *tribus* themselves.

ne in angustum venirent] 'lest they (Plotius and Plancius) should be reduced to a strait, be placed in an awkward position;' i.e. by losing the necessary votes of those *tribus* themselves. 'Ipsius Laterensis haec verba fuisse, quibus significaverit *ne necessariis suffragiis ipsi privarentur*, ex sequentibus intellegitur, in quibus Cicero ridiculum hoc loquendi genus reddit.' WUNDER. *Angustum* is used substantively as in de off. I § 53, de am. § 20, acad. I § 38 *cum eas* (*perturbationes*) *contraherent in angustumque deducerent*, Liv. XXVII 46, 2 *coartatio plurimorum in angusto tendentium*, Ter. Haut. IV 2, 2 (l. 669) *in angustum nunc meae coguntur copiae.*

quam convenit] ironically, 'how consistent it is,' so that there is no need to say that *quam* is for *quam non* or *quam parum*, cf. or. p. Sull. § 33 *attende, quam ego defugiam auctoritatem consulatus mei*, 'how, i.e. how little, I disavow the acts of my consulship,' auct. ad Heren. IV § 20 *videte ergo quam conveniat eos impetrare.*

l. 10. nondum cognita populi voluntate] superioribus comitiis, cum Plotius et Plancius de populi erga se voluntate, quam postea latis suffragiis cognoverant, certi nihil scirent. MANUTIUS

iam tum] i.e. nondum cognita populi voluntate. Before the first election Plancius and Plotius could not know the feeling of the people about them, Cicero therefore argues that there is no consistency in the assertion that Plodius and Plancius, who were according to Laterensis then in coalition (*coniunctos*), should have generously sacrificed their own tribus to help him (Lat.), when the result was uncertain, and yet should refuse to do so when they knew they must be secure for the next election.

l. 11. suarum tribuum] in quibus censentur. *Quo*=ut eo.

l. 13. restrictos et tenacis] 'niggardly and stingy,' perhaps with a reference to the words of Laterensis *ne in angustum venirent.* On the meaning of *restrictus* see n. to de off. II § 62 l. 14, and for *tenax* cf. or. p. Cael. § 36 *filium familias patre parco ac tenaci*, Plaut. Capt. II

2, 39 H. *tenaxne pater est eius?* P. *immo pertenax.* **eosdem**=tamen, 'notwithstanding,' 'but on the other hand,' Madv. Gr. § 488, Zumpt Gr. § 697, Kenn. Gr. p. 284, de off. I § 84 l. 24 n.

l. 14. credo] ironically, 'I should think,' § 38 l. 1, Zumpt Gr. § 777, Roby Gr. II 1607. **quasi**] § 62 l. 18.

l. 15. sed tamen] § 18 l. 3.

l. 16. in idem crimen vocando] the phrase *in crimen vocare* is common enough, and found sometimes with an accusative of the person, sometimes with an acc. of the fault; the fault is also sometimes in the abl. with *de*, or in the genitive as or. p. Scaur. § 3 *proditionis est in crimen vocatus*, or. p. Balbo § 5 *ut nullius in delicti crimen vocaretur.*

l. 17. adripuisse] 'you have fastened on, i. e. unjustly indicted one (Plancius), who did not, like Plotius, beg you (not to prosecute him).' Lat. had charged both with *coitio* but prosecuted Plancius only.

On this meaning of *arripere=cum temeritate quadam et sine idonea ratione in ius vocare*, cf. Liv. II 54, 2 *abeuntes magistratu Cn. Genucius tr. pl. arripuit*, III 58, 7 *subinde arreptus a P. Numitorio Sp. Oppius.*

a quo non sis rogatus] ut ne nomen suum a te deferretur. W.

nam quod questus es cet.] 'for, as to your complaint that you have more witnesses out of the Voltinia than the number of votes which you got in that tribe, you show that you are either producing witnesses who did not vote for you because they were bribed (by somebody else), or that you did not get even their votes for nothing.' On this elliptic use of *nam* see note on de off. I § 118, III § 84, § 110. Long has misunderstood the passage from not observing its force here, viz. that it gives Cicero's reason for making the statement, not the proof of the statement made.

l. 18. testes de Voltinia] qui Voltiniam a Plancio corruptam esse testentur. Cfr. § 43 *Voltinia tribus ab hoc corrupta.* W.

l. 19. puncta tuleris] cf. § 48 l. 16. At the election of magistrates each voter was supplied with one ticket (*tabella, tesserula*) containing the names or initials of all the candidates, and the voter affixed his mark (*punctum*) to the candidate for whom he voted. The *tabellae* of each century were collected by the *rogatores* and reported to the presiding magistrate, who put them in the *cista;* these *tabellae* were taken out and counted by the *diribitores*, and the votes, as they were taken out of the *cista*, were checked off by the *custodes* by *puncta* on a tablet. See Varro r. r. 3, 5 *narrat ad tabulam, cum diriberent, quemdam deprehensum tesserulas conicientem in loculum*, Prof. Tyrrell, Cic. Corr. Vol. I p. 34.

'Laterensis had said that Plancius had bribed the Voltinia and Lat. also said that he had witnesses to the fact out of that *tribus* and wit-

nesses more in number than the votes which he got in that *tribus*. He could not mean to say that those who voted for him were bribed, but if the tribe was bribed, he must, as Cic. says, either be producing some men as witnesses who for a bribe had voted against him, or if they were not bribed by another, they must have been bribed by himself, for the tribe was bribed' (*Long*). Wunder takes Cicero's meaning to be: the testimony of the witnesses whom Laterensis brings forward from the *Voltinia tribus* is inadmissible. For either they were bribed by Plancius not to vote for Laterensis, in which case they cannot be witnesses, since they were bribed; or else in their disinterested zeal without being bribed they voted for Plancius rather than Laterensis, in which case it is not likely that they will appear as witnesses against Plancius, unless Laterensis has bribed them to do so. *nummos acceperint* sc. a Plancio.

CHAPTER XXIII

§ 55, l. 22. in circo Flaminio] the circus which was constructed before the Second Punic War by the censor C. Flaminius Nepos, who fell at the battle of Trasimenus, in the year 220 B.C., the same who constructed the great northern road, named after him the *via Flaminia*. It was in the *campus Flaminius* or *prata Flaminia*, where the ludi Taurii and Apollinares were frequently held, and the people and senate sometimes assembled when it was necessary to convene them outside the walls. It was situated in the district which lies between the southern part of the *Via Lata* or the modern Corso, and the Tiber, not far from the Capitol. It is by some misplaced in the modern Piazza Navona. See Burn's *Rome and the Campagna* p. 313, Ramsay *R. A.* p. 43.

l. 23. caluit re recenti, nunc in causa refrixit] 'was much talked of, carried on warmly, when the matter was fresh, but now during the trial it has lost its interest,' lit. 'has cooled down,' ('non amplius pro vero crimine habetur.' W.) Cf. ep. ad Att. IV 16, 11 (18 3 ed. Wesenberg) *iudicia calent*, or. Phil. V § 11 *calebant in interiore aedium parte totius rei p. nundinae*, Cael. in Cic. ep. ad fam. VIII 1, 2 *illi rumores de comitiis Transpadanorum caluerunt*, and for *refrigescere* or. Phil. V § 30 *belli apparatus refrigescent*, ep. ad Att. I 1 § 2 *cum Romae a iudiciis forum refrixerit*, 19 § 4 *haec tota res interpellata bello refrixerat*, ad Qu. fr. III. 2 § 3 *Scaurus refrixerat*, i.e. 'had ceased to give interest' not, as Lewis and Short translate, 'had given up,' ad div. II § 81 *ceteris in locis sortes plane refrixerunt*, i.e. 'have gone quite out of fashion,' ep. ad Att. II 1 § 6 *quod de agraria lege quaeris, videtur iam refrixisse*, 'to have hung fire.' See more exx. in Nägelsb. lat. St. p. 385 f. As to the charge referred to, it would seem that some money was found in the Flaminian circus, which, in the absence of a claimant, was suspected to have been intended for the bribed voters.

l. 24. nec quae tribus] 'nor the tribe for whom the money was intended.' On *divisor* see § 48 l. 14.

l. 25. **eductus ad consules**] 'brought before the consuls,' the technical expression, as appears from Verr. II 2 26 § 63 *quisquis erat eductus senator Syracusanus, duci iubebat Metellus*, i.e. 'any senator Heraclius brought before Metellus, he (Metellus) ordered to be taken to prison,' ib. 37 § 90 *Sthenium statim educunt*, ib. 3, 23 § 56 *ad istum in ius eductus est*, edict. praet. ap. A. Gell. n. a. XI 17 § 2 *qui flumina retanda publice redempta habent, si quis eorum ad me eductus fuerit.*

l. 26. **iactatum**] 'jostled,' 'roughly handled,' 'bullied,' cf. § 17 l. 30, ep. ad fam. I 5 b § 1 *posteaquam Pompeius apud populum...clamore convicioque iactatus est*, div. in Caec. § 45 *te omni ratione iactaturus*, Plaut. Trin. III 2, 59 *nolo te iactari diutius*, 'I won't have you worry yourself any more.'

l. 28. **cur non—aliquid—praeiudicii comparasti**] 'why did you not secure, as you would have done had you convicted him, some recorded verdict, some preceding sentence (as a presumptive proof of Plancius' complicity), for the present trial?' The meaning of *praeiudicium* is clear from the following passages: div. in Caec. § 12 *de quo non praeiudicium, sed plane iudicium iam factum putatur*, or. p. Cluent. § 59 *apud eosdem iudices reus est factus, cum his duobus praeiudiciis iam damnatus esset*, ib. § 60 *qui ceteros nullo praeiudicio facto tamen ex ipsa causa condemnassent*, § 62 *condemnari ab iisdem iudicibus, qui duo praeiudicia fecissent.*

On the genitive of divided indefinite whole after *aliquid* see Madv. Gr. § 285 b, Zumpt Gr. § 432, Roby Gr. II § 1296 (*b*). 'Probat ipsum adversarium iudicasse, nihil omnino suspicionis esse, quod in Plancium posset oboriri ex persona eius, qui divisor fuisse videatur, quoniam eundem neque reum fecerit neque ullam vel tenuem probationem habere adversus eum potuerit; quo damnato sine dubio consequenter videretur de Plancio iudicatum.' SCHOL. VATIC.

§§ 55—57. *But it is plain enough that in prosecuting Plancius you rely on something more than these facts: you rely upon your general influence and name to crush Plancius, who has many personal enemies and detractors: and there are always plenty of men ready to give evidence in cases of* ambitus. *Cicero entreats the iudices to undertake the business of cross-examining these witnesses and to relieve his own modesty from the unpleasant task, seeing they were his friends, and not to give any heed to idle reports about the defendant.*

l. 29. **neque tu haec habes neque eis confidis**] 'neither have you (any more than myself) these arguments in your favour nor do you rely on them,' as likely to ensure the condemnation of Plancius. C. F. W. Müller remarks '*Habere* neque credere est neque scire, sed in causa habere, ut Sext. Rosc. 32, 91 *Erucius, haec si haberet in causa, posset ea quamvis diu dicere*, Q. Rosc. 12, 37 *est hoc primum et ex conditione iuris et ex consuetudine cautionis firmissimum et gravissimum argumentum, quod ego pluribus verbis amplecterer, si non alia certiora*

et clariora testimonia in causa haberem. By *haec* must be understood the arguments adduced in § 53—§ 55.

l. 30. **alia te ratio—ad spem—excitavit**] we should say 'other motives, considerations, have awaked in you the hope;' cf. or. p. Sest. § 81 *fuistisne vos ad patrium illum animum maiorumque virtutem excitaturi*, ib. § 11 *vestram memoriam ad timoris praeteriti cogitationem excitate*, de off. II § 2 *libri nostri compluris ad legendi studium excitaverunt.* See Nägelsb. lat. St. p. 411.

l. 32. **cupidi tui**] see above § 46 l. 29, § 43 l. 25.

l. 33. **fautores**] sc. sunt. On the meaning of the word see n. on § 1 l. 3.

P. 23, l. 1. **nimium retinens equestris iuris**] 'too tenacious of the rights and privileges of his order.' Cf. ep. ad Qu. fr. I 2 § 11 *homo sui iuris dignitatisque retinens*, Tac. Ann. XVI 5 *antiqui moris retinentes.* On genitive after present participle see Kenn. Gr. p. 421, Madv. Gr. § 289 a, and cp. § 13 l. 4 n, § 80 l. 9. For the allusion see § 33.

l. 2. **inimici reorum omnium**] significari his verbis ipsos illos testis, quos Laterensis produxerat, ex initio § 56 intellegitur. W.

l. 3. **ita—quasi**] see n. to § 49 l. 28, Mur. § 77, de orat. I § 246.

l. 4. **gratum populo Romano sit**] i.e. gratiam populi R. sibi concilient, by giving evidence against those who are *ambitus rei.*

l. 5. **ab eo**] sc. populo Romano.

§ 56, l. 7. **more meo pristino**] figmento quodam verecundiae declinat eam partem, quae difficultatis aliquid habere videatur, adversus quorundam testimonia contend(end)i. Sic et religioni, quam magnis beneficiis eius debet, satisfacit et pedem refert ab insectatione testium, quibus dicit esse parcendum. SCHOL. VAT. Cf. orat. part. XIV § 49 *nam et de toto genere testium, quam id sit infirmum, saepe dicendum est, et argumenta rerum esse propria, testimonia voluntatum; utendumque est exemplis, quibus testibus creditum non sit; et de singulis testibus, si natura vani, si leves, si cum ignominia, si spe, si metu, si iracundia, si misericordia impulsi, si praemio, si gratia adducti; comparandique superiore cum auctoritate testium;* ib. § 51.

non quo mihi fas sit defugere—sed quia neque necesse est] 'not that, or not as if, I can consistently with duty evade anything—but because it is not necessary.' On the difference between *non quo* and *non quod* see Kühner to Tusc. II § 64 and cf. Madv. Gr. § 357 b *obs.*, Kenn. Gr. p. 460, Zumpt Gr. §§ 537, 572.

l. 9. **persequi voce**] 'to follow out, set forth, orally,' cf. de off. II § 87 l. 30 *has res Xenophon persecutus est in eo libro*, ep. ad fam. XV 21, 3 *ea quae scriptura persecutus es.*

l. 10. **ita de me meriti sunt**] i.e. in supporting his recall from exile.

l. 11. **paratos**] i.e. in court, ready to be examined.

ut eorum reprehensionem—debeatis] 'that it is your duty to take upon yourselves, like men of sense as you are, the examination of these witnesses and to relieve my modesty from the task,' which would be an unpleasant one for Cicero, since he was under an obligation to them. On the opposition between *adsumere* and *remittere* cf. or. p. Sull. § 84 *ego vero non modo mihi nihil adsumo in quo quispiam repugnet, sed etiam, si quid ab omnibus conceditur, id reddo ac remitto. Reprehensio* is the examination of the witnesses for the purpose of showing the worthlessness of their testimony. For the meaning of *adsumere* (=*aliquid sibi vindicare, facere quod ab alio potius debet fieri.* W), cf. ep. ad fam. I 9 § 17 *neque vero ego mihi postea quicquam adsumpsi neque hodie adsumo, quod quemquam malevolentissimum iure possit offendere.*

vestrae prudentiae]=vobis pro vestra prudentia.

meae modestiae]=mihi pro mea modestia.

l. 15. **fictis auditionibus**] 'false reports,' 'hearsay.' So Tac. Ann. IV 11 *ut claro sub exemplo falsas auditiones depellerem*, Cic. Verr. IV 102.

l. 16. **subiciendas**] 'to be exposed to,' 'put at the mercy of.' Cf. de or. I § 202 *scelus fraudemque nocentis subicere odio civium*, Liv. XXXVIII 48, 14 *nullius calumniae subicit ea quae di comprobaverunt.*

§ 57, l. 17. **nonnulli etiam nostri iniqui**] see Zumpt Gr. § 410, n. to § 1 l. 6, § 40 l. 21. For *multi—multa* cf. § 64 *omnes omnia.*

l. 19. **volucre**] 'fleet,' 'winged,' cf. Brut. § 325 *aliud genus (dicendi)...verbis volucre atque incitatum*, Hor. Carm. II 17, 24 *volucris fati*, or. p. Sull. § 91 *o volucrem fortunam.*

l. 21. **fontem maledicti**] 'the source of the defamatory charge.'

l. 22. **postulabo**]=Gr. ἀξιώσω.

sine capite manabit] 'shall flow without a source.' On *caput* see n. to § 18 l. 14. *Manare* is always applied to flowing and spreading from a source, *fluere*, to a running stream; the former is opposed to *contineri, claudi*, the latter to *stare, haerere.*

CHAPTER XXIV

Third part of the Speech

§§ 58—100.

I. *Cicero's reply to the allegations of Cassius against Plancius and vindication of his own behaviour to Laterensis* (§ **58**—§ **71**). *Cassius had touched upon four points in the part of the prosecution which had fallen to him;* (1) *Laterensis, he says, deserved to be preferred to Plancius*

because of his noble birth. Cic. replies that the road to state-offices is open to all alike, irrespectively of their origin, and preference is given to personal merit only; high birth has this only advantage that the successful candidate who has it is less exposed to envy. (§ **58**—§ **60**.) *He asks whether Plancius has performed* (2) *any remarkable military services,* (3) *whether he is conspicuous as a speaker or lawyer, that he should have been preferred to Laterensis. To which Cic. replies that Plancius has seen a certain amount of service in the army, but that he neither has nor pretends to have any special skill as an orator, any more than he professes to be learned in the law. Such accomplishments indeed are not underrated in a candidate as accessories, but as qualifications for a state-office they are not to be compared with virtue and integrity of character.* (§ **61**—§ **62**.) (4) *Cassius had extolled the services of Laterensis abroad, in reply to which Cic. instances his own example to show how indifferent people at Rome are to what goes on in the provinces. The lesson taught him by the rebuff his own vanity once received was an important one, viz., that, if a man wishes to obtain one of the higher magistracies, he must rely upon something else than provincial reputation, he must be constantly before the public at home, and study to make as many friends as possible, as did Plancius and others who like him have had to make their own way. Laterensis should have taken the trouble to do the same, and the task would have been all the easier for him, because he had the prestige of high social rank to support and advance his claims.* (§ **63**—§ **67**.)

Cicero contradicts the assertion of Cassius, that he was not more indebted to Plancius than to other patriots, and that he made too much of his services to him, when he supported him in his candidature for the aedileship. He professes his readiness to serve any and every one of those who had promoted his restoration from exile, whenever their exigencies should require it. But that profession does not interfere with his obligation to serve Plancius, to whom he is indebted for preservation from the many enemies who sought to prevent his recall, or, if not, to procure his death, and whose threats were not, as Cassius and Laterensis gave out, imaginary but real. Cassius spoke of two great men, as he called them, whose services to the state did not save them from conviction; and he blames Cicero's entreaties on behalf of Plancius, who had not the same personal merit as Opimius and Calidius and ought not to be saved by Cicero's prayers. (§ **67**—§ **71**.)

II. *Cicero's reply to Laterensis himself, who had ungraciously imputed to him falsehood and charged him with feigning to be under an obligation to Plancius for services which he never really rendered, in order to suit the occasion. He says there were abundant reasons why he should exert himself in Plancius' defence, and that Laterensis himself, who took such a warm interest in Cicero's affairs, gave him permission to use all his exertions for Plancius' election, because of the great gratitude he felt to Plancius for his kindness to Cicero. The speech on the fifth of September, which he read to the senate on his return from exile, in which Plancius is included in the number of those whom he*

specially thanked for their services, is a sufficient proof that his gratitude is sincere and lasting and not assumed to serve a particular purpose. (§ **71**—§ **74**.)

Cicero repels the objection of Laterensis, that all his eloquence and emotional display were ineffectual and unavailing formerly in his defence of another client Cispius, as mean, inconsistent and unreasonable. (§ **75**—§ **76**.)

Laterensis asserted that Plancius' services during his tribunate had not equalled those of Racilius, who therefore deserved greater gratitude from Cicero. Cicero says in reply, that he wishes the Roman people had not been prevented by the violence of some men from making Racilius a proper return for his services to himself, with which he professes himself well satisfied and that he had no need of Plancius' further aid after he had already saved his life. Again, how could he help showing his gratitude to one whom the senate had especially thanked on his behalf? There is nothing he would not have done for Laterensis, if the occasion had offered, but he has so many benefactors that he is puzzled how to reconcile their conflicting claims to his gratitude, and fears he can scarcely show himself grateful to all at the same time. In the present case, however, where the disparity is so great, his duty is plain: Laterensis had but little to gain by succeeding, he merely longed to efface his defeat for the aedileship, whereas Plancius would lose everything by conviction. Laterensis cannot suppose that the court will be prejudiced against Cicero on the ground of his erring on the side of excess in this gratitude, for if gratitude be, as it is, the foundation of all virtues, then excess in it can be no reproach. As to Laterensis' expression that the jurors are not persons likely to run the risk of a trial nor fond of litigation, it ought not, says Cicero, to have any weight with the jurors to make them care little about his gratitude, as if it could only be shown to those who needed his professional services. (§ **77**—§ **82**.)

Cicero replies, partly in jest, partly in earnest, to three trifling imputations of Laterensis, (1) *that he is too fond of making pathetic appeals to the jury,* (2) *of appearing as counsel in defence,* (3) *of saying smart things and making poor jokes.* (§ **83**—**85**.)

Cicero vindicates his hasty departure from Rome against the insinuations of Laterensis. It was not the fear of death which drove him into exile, but the apprehension of civil war and of the trouble which might have befallen patriotic citizens had he remained in Rome. He did not wish to deprive the state of its mainstay nor the senate and people of the opportunity of setting an example of a vigorous exercise of power and display of gratitude by his restoration from exile. (§ **86**—§ **90**.)

Laterensis taxes Cicero with having forfeited his liberty of action, Cicero denies that he has. No one can blame him, he says, if he has regard sometimes for his own safety, when he has done so much for the safety of others. If he no longer opposes his former enemies it does not follow that he deserves to be twitted with political inconsistency, because he accommodates himself to the changing circumstances and conditions of society. The good of the state is the standard by which every statesman

should measure his conduct, and that may sometimes require a change of attitude. (§ **91**—§ **94**.)

Lastly, Cicero gives a detailed account of his life in exile from the time of his departure from Rome and shows what real dangers (notwithstanding Laterensis' assertion to the contrary) threatened him everywhere, until Plancius befriended him at the risk of his own safety and established thereby the strongest possible claim to his gratitude. (§ **95**—§ **100**.)

§ **58**, l. **28**. **sed venio iam ad L. Cassium**] § 12 l. 16, § 36 l. 12. L. Cassius was *subscriptor* to Laterensis. See Intr. § 7.

l. **29**. **ne illum quidem Iuventium tecum expostulavi**] 'I have not called you to account about that Iuventius.' *Expostulare aliquid cum aliquo* means 'to complain about a thing to a person who has done it,' 'conqueri de iniuria apud eum qui fecit'; Ruhnk. dict. ad Terent. p. 66. Cf. Ter. Andr. IV 1, 15 (639) *adeamne ad eum et cum eo iniuriam hanc expostulem?* and Cic. ep. ad fam. V 2, 9 *qui nihil tecum de eis ipsis rebus expostulem*, ib. III 10, 6 *de qua alienum est tempus mihi tecum expostulandi*, where *de* with abl. takes the place of the accusative, or. p. Sull. § 44 *non mecum...iracundius expostulasti?*

Iuventium] a member of the same *gens* as Laterensis, perhaps Iuventius Thalna, who, as the first plebeian curule aedile, must probably be placed in the first year after the institution of the curule aedileship, that is, in B.C. 365, in the consulship of L. Genucius Aventinensis and Q. Servilius Ahala (Liv. VII 1). *tecum* sc. Laterensis.

l. **30**. **humanitate**] 'culture,' i.e. education attended by refinement and gentleness of character, see n. to de off. I § 144 l. 18.

l. **32**. **si tibi ita respondeam, nescisse cet.**] 'were I to answer you to the following effect, that the public of Rome were not aware of it, and that there has been no one to tell us of it, especially now that Congus is dead, you would not, I imagine, be surprised, since I myself, though I am something of an antiquary, confess that I have never heard it until now from your lips.'

P. 24, l. **1**. **Congo**] We have an account of Junius Congus given by the celebrated orator M. Antonius in Cic. de or. I § 256: *reliqua vero etiamsi adiuvant, historiam dico et prudentiam iuris publici et antiquitatis memoriam et exemplorum copiam, si quando opus erit, a viro optimo et istis rebus instructissimo, familiari meo Congo mutuabor*, as restored by conjecture for the MSS *Longo*. 'Iuventiae familiae, ex qua Laterensis contextum generis habebat, probaturus veterem nobilitatem Cassius praeiactaverat hunc aedilem primo ante alios loco fieri debuisse.—igitur in Cassium facta M. Tullius negat populum, id est, vulgus imperitorum iudicare paenitus de familiae clarioris nobilitate potuisse, ut nonnisi peritiores vetustatis, et qui antiquitatem per historias *legerint, haec* scire facillime possint. Atque ideo mentionem Conci *videtur interposuisse*, qui per illud tempus decesserat, homo curiosus

et diligens eruendae vetustatis.' SCHOL. VAT. Hence it appears that Iunius Congus was not a *doctus homo*, i.e. 'an educated man,' but an antiquary. We have the testimony of the satirist Lucilius to the same effect in the line where (as quoted by Plin. nat. hist. praef. § 7) he says: *praeterea est quaedam publica etiam eruditorum reiectio, utitur illa et M. Tullius, extra omnem ingeni aleam positus, et, quod miremur, per advocatum defenditur. 'nec doctissimis: Manium Persium haec legere nolo, Iunium Congum volo*, though Cicero in quoting the same line de or. II § 25 substitutes *Laelium Decimum*. The passage is worth transcribing. *C. Lucilius, homo doctus et perurbanus, dicere solebat ea, quae scriberet, neque ab indoctissimis se neque ab doctissimis legi velle, quod alteri nihil intellegerent, alteri plus fortasse quam ipse; de quo etiam scripsit Persium non curo legere, hic enim fuit, ut noramus, omnium fere nostrorum hominum doctissimus: Laelium Decimum volo, quem cognovimus virum bonum et non illiteratum, sed nihil ad Persium*, cf. de fin. I § 7. Lucilius then would like to be read not by scholars like Persius (Brut. § 99) nor yet by illiterate men, but by men of general information like Iunius Congus.

non abhorrens]=etsi non abhorream, cf. § 78 l. 21. **confitear**] the subjunctive is due to assimilation, the time not being indefinite.

l. 2. **me hic id ex te primum audisse**] modeste repellit eum ut mendacem. MANUTIUS

l. 3. **perelegans et persubtilis**] prius ad delectum verborum, posterius ad tractationem rei pertinet. W.

l. 4. **digna—vel studio vel pudore**] 'creditable alike to the kindly and honourable feeling of a knight of Rome.' **equitis Romani**] nondum senatorium ordinem adeptus erat Cassius. MANUTIUS

l. 5. **ab his**] δεικτικῶς, cf. § 61 l. 14 n.

l. 6. **respondebo ad ea quae dixisti**] hoc dicit: Talia sunt a te, Cassi, dicta, ad quae Planci defendendi causa non opus esset verbo respondere; verum quoniam forma orationis eiusmodi fuit, ut diligenter ab iudicibus audireris, eruditioni tuae hunc tribuam honorem, ut respondeam ad ea, quae dixisti. W.

l. 7. **de ipso me**] pronomen *ipse* pronominibus personalibus praeponi debet, si notio pronominis *ipse* primariast maxime urgenda, pronomen autem personale explicandi tantummodo pronominis *ipse* causa adicitur. Exempla rem patefacient. Plin. ep. III 4 § 3 *factum est senatus consultum—ut darer provincialibus patronus, si ab ipso me impetrassent*, Cic. or. in Pis. § 48 *si familiam tuam dimisisses, quod ad neminem nisi ad ipsum te pertineret, amici te tui constringendum putarent*, i.e. ad neminem nisi ad eum ipsum, qui familiam demisisset, i.e. ad te pertineret, or. p. Ligar. § 23, or. p. Deiot. § 8. Contra si *de me ipso* dixisset, significasset, expectavisse se fore, ut Cassius de aliis hominibus diceret, verum de se nec de aliis dixisse. W.

l. 8. aculei] 'stings,' i.e. forcible, pointed, sharp, cutting remarks, which Cic. says were not 'disagreeable' to him because they were delicate and full of regard for him, de fin. IV § 7 *pungunt, quasi aculeis, interrogatiunculis angustis*, de or. II § 222 *in quo nulli aculei contumeliarum inerant.*

in me reprehendendo] quia Plancium defenderem. MANUTIUS

l. 9. non ingrati] meam enim erga bene de me meritos pietatem ostendunt. MANUTIUS

§ 59, l. 9. quaesisti] Cassius must be supposed to imply by his question that a man of consular family would get the 'honores' more easily than a man who was not, and that since Laterensis had not been elected there must have been some foul dealing on Plancius' part. MANUTIUS

l. 11. filio meo] see Intr. to de off. p. xv § 4.

ego vero] 'my answer is that,' cf. § 86 l. 3, § 94 l. 21, div. in Caec. § 70, Verr. IV § 13 *dicet aliquis: 'quid tu ista permagno aestimas?' ego vero ad meam rationem non aestimo*, or. p. Sull. § 84, or. p. Cluent. § 139. Similarly *ego autem* is used de off. II § 3, or. p. Mur. § 6. See Nägelsb. lat. St. p. 5, 8.

l. 12. illi omnia malo] 'I had rather he had anything than myself,' *illi*=*illius causa*, cp. ep. ad Att. II 16, 4 *in hac re malo universae Asiae et negotiatoribus;* cf. a similar use of *volo*, or. p. Cluent. § 188, *nihil est...quod illa non filio voluerit*, Quintil. or. inst. IX 2, 35 *cui ego omnia meritissimo volo et debeo*, and of *cupio*, Planc. ap. Cic. ep. ad fam. X 4, 4 *cui maxime cupio*, ep. ad Qu. fr. I 2 § 10 *quid? ego Fundanio non cupio?* Ter. Andr. V 4, 2 (905) *cupio ipsi Glycerio*, Caesar B. G. I. c. 18 *favere et cupere Helvetiis.*

honorum aditus]=aditus ad honores, 'avenues to state offices,' objective genitive, see n. on § 52 l. 23.

l. 15. adipiscendorum] sc. honorum.

l. 16. quamquam ad praecepta aetas non est grandis] 'though he is not of an age to receive much instruction.' See cr. not. Cicero's son was now in his 12th year. Cf. de fin. II § 63 *timidus ad mortem*, de nat. deor. II § 155 *ad rationem sollertiamque praestantior*, or. in Cat. I § 12 *ad severitatem lenius*, de legg. II § 33 *nisi multa ad veritatem admirabilia dixissent*, ib. III § 19 *insignis ad deformitatem puer*, or. p. Fonteio § 43 (ed. Baiter) *virum ad labores belli impigrum, ad usum ac disciplinam peritum*, Liv. 6, 18, 4 *animo ad contumeliam inexperto.*

quae rex ille a Iove ortus] sc. Atreus. Köpke suggests that the words are a poetical reminiscence suggested by a line quoted in Quintilian or. inst. IX 3, 57. The quotation from the *Atreus* of Accius is given more fully in the or. p. Sest. § 102: *...vigilándum est semper: múltae insidiae súnt bonis. íd quod multi invídeant multíque éxpetant inscítiast póstulare, nísi laborem súmma cum cura écferas.* See Ribbeck trag. rom. fr. p. 163—4 ed. 2.

l. 19. **Nostis cetera**] Landgraf compares ep. ad fam. 7, 28, 2 *ut ibi esses 'ubi' nec Pelopidarum—nosti cetera.*

l. 19. **nostis cetera**] Mayor Plin. Ep. III 9 § 11 l. 19.

l. 22. **qui iam nusquam erant**] because they only lived in story. On *nusquam esse* 'not to exist' cf. Hor. Sat. II 5, 101 *ergo nunc Dama sodalis nusquam est?* Plaut. Mil. gl. IV, 4 62 (1199) *inhiat, quod nusquam est, miser.*

§ 60, l. 23. **quid potuerit**] see above § 53 l. 1 n.

l. 24. **Cn. Scipionis**] It is possible that Cn. Cornelius L. f. Cn. n. Scipio Asina is meant (n° 2 in the stemma Scipionum given § 33 l. 9) who was consul with C. Duilius in B.C. 260 in the fifth year of the First Punic War, and again with A. Atilius Calatinus in B.C. 253, after having been taken prisoner by the Carthaginians in an attempt upon the Liparaean islands; but more probably Cicero is speaking of his nephew Cn. Scipio Calvus (n° 6 in the stemma), father of P. Cornelius Scipio Nasica, who was consul B C. 222 and killed in Spain with his elder brother P. Corn. Scipio B.C. 212. See n. on de off. I § 61 l. 13, below l. 30.

l. 25. **hoc praestaret**] 'he would have the advantage, be better off in this respect, that he would not be so much envied as he is.'

l. 26. **quod ei minus invideretur**] patris enim gratia factus videretur; nunc ei, quia equestri loco natus aedilitatem obtinuerit, invidetur. MANUTIUS

summis hominibus et infimis] i.q. summo et infimo loco natis, as in de off. II § 41 *qui* (unus aliquis virtute praestans) *summos cum infimis pari iure retinebat.* On the maxim, cf. Brut. § 281 *cum honos sit praemium virtutis iudicio studioque civium delatum ad aliquem: qui eum sententiis, qui suffragiis adeptus est, is mihi et honestus et honoratus videtur: qui autem occasione aliqua etiam invitis suis civibus nactus est imperium, ut ille cupiebat, hunc nomen honoris adeptum, non honorem,* de off. II § 31, Tusc. III 2 § 3 *gloria est consentiens laus bonorum, incorrupta vox bene iudicantium de excellente virtute: ea virtuti resonat tamquam imago.*

l. 27. **gloriae**] sc. gradus: cp. or. p. Mil. § 97 *hanc* (gloriam) *denique esse, cuius gradibus etiam homines in caelum viderentur ascendere.* W.

CHAPTER XXV

l. 28. **M'. Curio**] Manius Curius Dentatus, one of Cato's great heroes, was consul in B.C. 290, when he triumphed over the Samnites and Sabines, and again when he triumphed over Pyrrhus, and in 274 when he brought the third Samnite war to a close. He is often eulogised by Cicero as a pattern of old Roman simplicity and frugality, de sen. § 15, § 55, Tusc. I § 110, Hor. Od. I 12, 40 *hunc* (Fabricium)

et incomptis Curium capillis | utilem bello tulit et Camillum | saeva paupertas et avitus apto cum lare fundus, Iuv. Sat. II 3 *qui Curios simulant,* XI 78, Lucan X 151—3 *pone duces priscos et nomina pauperis aevi Fabricios Curiosque graves.*

l. 28. C. Fabricio] Gaius Fabricius Luscinus is also a popular hero in Roman annals, as a representative of old-fashioned virtue. In his first consulship B.C. 282 he defeated the Samnites, Lucanians and Bruttii, in B.C. 278 he had the conduct of the war against Pyrrhus, which ended in that king evacuating Italy. He was censor in B.C. 275 and distinguished himself by the severity with which he set himself to repress the growing taste for luxury. On his celebrated embassy to Pyrrhus see de off. I § 40, III § 16, Tusc. I § 110, III § 56, Brut. § 55.

l. 29. C. Duellio] consul in B.C. 260 with Cn. Cornelius Scipio Asina (l. 24). He was the man who first gained a naval victory over the Carthaginians, the memory of which was perpetuated by the famous *columna rostrata*, and, as a further reward, he was allowed the special distinction of being accompanied, on his return from a banquet, by a torch (*funale*), and a flute-player (*tibicen*), Liv. epit. 17, Cic. de sen. § 44. See Dr Sandys on Cic. orat. § 153.

A. Calatino] A. Atilius Regulus, of Calatia in Campania, hence called Calatinus, was a distinguished Roman general in the first Punic war, consul in B.C. 258 and B.C. 257, honoured with a triumph for his victories over the Carthaginians in Sicily. He was consul a second time in B.C. 254, when he captured Panormus, and in B.C. 249 *dictator rerum ger.* being the first dictator to command an army out of Italy. Cicero classes him with the same worthies also in Tusc. I § 110; cp. de nat. deor. II § 165. His tomb on the *via Appia* outside the *Porta Capena* close to that of the Scipios (Tusc. I § 13), contained the following inscription:—*hunc unum plurimae consentiunt gentes | populi primarium fuisse virum,* which is twice quoted by Cicero, de sen. § 61, de fin. II § 116. Cf. Valer. Max. II 8, 2, Polyb. I 24.

Cn. et P. Scipionibus] where two members of the same family are mentioned together and their names coupled by *et*, the plural is regularly used by Cicero, from whom Dräger hist. Synt. I p. 1 gives several instances of the usage, and generally though not always in other writers. The brothers Scipio [in the stemma Scipionum § 33 l. 9, n° 5 and n° 6] are frequently spoken of by Cic., de off. I § 61, III § 16, de rep. I § 1, de sen. § 29, § 75, § 82, or. p. Balb. § 34, Tusc. I § 89, de nat. deor. III § 80, parad. I § 12. On Gnaeus, the younger, see above l. 24. The elder, P. Cornelius Scipio, was consul in B.C. 218 in the second Punic war, and after being defeated by Hannibal at the Ticinus joined his brother in Spain, where, after winning some successes, they both died B.C. 212.

l. 30. Africano] P. Cornelius Scipio Africanus maior, son of the afore-mentioned P. Scipio (n° 8 in the stemma Scipionum § 33 *l. 9), consul in* B.C. 205, the hero of the Second Carthaginian war, in

which he gained a decisive victory over Hannibal near the city of Zama in B.C. 202.

Marcello] M. Claudius M. F. Marcellus, celebrated as five times consul and the conqueror of Syracuse (B.C. 212, *Siculae victor telluris* Prop. IV 18, 33), who slew Viridomarus, king of the Insubres, a Gallic tribe, with his own hand (Tusc. IV § 49), and gained the third and last *spolia opima* which were obtained in Rome (B.C. 223, Plutarch Marc. c. 6, Aurel. Vict. de vir. ill. c. 45). He was slain at Venusia in the eleventh year of the second Punic war (B.C. 208, Tusc. I § 89) under circumstances which compelled even Hannibal, his greatest enemy, to bury him with military honours, *interitum eius ne crudelissimus quidem hostis honore sepulturae carere passus est* de sen. § 75, Liv. XXVII 26, 27, cp. Vergil Aen. VI 856—860, Cic. de div. II § 77. Marcellus is singled out with Maximus for praise in Tusc. I § 110, or. p. l. Manil. § 47, de nat. deor. II § 165, III § 80, de off. I § 61.

Maximo] Q. Fabius Maximus Verrucosus Ovicula, another hero of the second Punic war, was consul five times, B.C. 233, 228, 215, 214, 209 when he triumphed over the Tarentines, and *dictator interregni causa* 217. See de off. I § 81, § 128, de sen. § 10 sq.

l. 32. **in virtute multi sunt ascensus**] i.e. cum quis virtuti studet, plures sunt gradus, quos ascendere possit, quam cum honorum cupidus est, quorum finis est consulatus, quem qui consecutus est altiores gradus ascendere nequeat.... Similiter dictum *in virtute procedere et progredi* Cic. de fin. IV § 64. W.

ut] 'so that,' Madv. Gr. § 355.

l. 33. **honorum populi finis**] = finis honorum quos populus defert in aliquem; cf. or. p. Sull. § 11 *nondum ad propositum mihi finem honoris perveneram*, i.e. ad consulatum. For other examples of one genitive dependent upon another, see ep. ad fam. VII 13 *causa intermissionis litterarum*, or. Phil. II § 48 *eius omnium incendiorum fax*, Tusc. II 35 *labor est functio quaedam vel animi vel corporis gravioris operis et muneris*.

P. 25, l. 1. **octingenti fere**] From the year of the city 245 to the year of this speech 700 there are 455 years. Had there always been consuls, there would have been 910 of them in this period, not including the *consules suffecti*. But the number is diminished by one year in which the *decemviri* hindered the election of consuls, by fifty years in which *tribuni militum consulari potestate* were in power, by five years in which there were *solitudines magistratuum*, and by three years in which a Dictator and a Magister equitum without consuls held the supreme power (A.U.C. 430, 445, 453). Accordingly we must make a deduction of at least 118 consuls for these fifty-nine years; there remain then 792 (*octingenti fere*), among whom there were certainly more chosen, while others again were replaced by *suffecti*. KÖPKE

l. 2. **reperies**] Madvig opusc. acad. II p. 36 n. points out that this and not Wunder's *reppereris* nor Klotz's *reperis* is right. See Gr. § 339.

l. 3. **sed**] resumptive after the digression commencing at § 60 l. 23. See § 8 l. 31, § 10 l. 32, § 36 l. 12.

nemo—sic egit ut tu] 'no one ever conducted his case as you do.'

l. 4. **quid potuit**] see n. above § 53 l. 1.

L. Brutus] Lucius Junius Brutus, *populi Romani dux et auctor ad libertatem* (de fin. II § 66), who was elected first consul with Tarquinius Collatinus in B.C. 244 (A.U.C. 509).

§ **61**, l. 9. **T. Didii et C. Marii**] L. Cassius had added to his first question whether Plancius was specially entitled to the aedileship by his birth, a second, viz. whether he could show such triumphs as those of Didius and Marius, by which he could justify the election of a *novus homo*. Both are mentioned as *novi homines* together with C. Caelius Caldus also in or. p. Mur. § 17. T. Didius was consul in B.C. 98 with Q. Caecilius Metellus Nepos and subsequently proconsul in Spain, where he defeated the Celtiberians. Gaius Marius, conqueror of Jugurtha, the Teutones &c., was consul in the years B.C. 107, 104, 103, 102, 101, 100, 86. Cf. § 26, § 51.

l. 10. **quid simile**] sc. fuerit. **quasi vero**] used to correct an erroneous supposition, Madvig Gr. § 444 *obs.* 1, Kenn. Gr. § 228, de off. III § 39 l. 28 n, cf. below § 82 l. 31.

l. 11. **et non**] 'and not much rather,' so used when a correction is subjoined to a conditional interrogative or ironical expression; see note on § 70 l. 7. *Ac non* is more frequent in this sense.

l. 13. **qui—fuerit**] 'when he was,' subjunctive because the relative proposition contains an antithesis to the leading proposition, Madv. Gr. § 366 *obs.* 3, § 358 *obs.* 3, below § 73 l. 15, § 76 l. 23.

l. 14. **hoc imperatore**] Q. Metellus Creticus, who was present in court, cf. § 27 l. 27, Intr. § 5. So above § 58 l. 5 *sic ab his es auditus*.

tribunus [militum] see *Dict. of Antiq.* p. 503, Ramsay *Rom. Ant.* p. 386.

l. 15. **tantum—quantum**] 'only so much as,' 'just so much and no more than,' § 20 l. 6, § 82. Cf. § 82, de off. I § 130 l. 30, § 11 l. 13 and add to the instances there quoted or. de imp. Pomp. § 14. 'Tota haec sectio acerbissimam continet Laterensis quoque, non Cassi solum inrisionem: de illo enim M. Caelius ep. ad fam. VIII 8 § 3 *Laterensis leges ignorans pronuntiavit quid singuli ordines iudicassent*.' ORELLI

§ **62**, l. 17. **id quod secundum est**] It would have been an advantage to Plancius had he been a good speaker; failing that, had he thought himself such: but he did not.

ne sibi quidem videtur] § 53 l. 4 n.

l. 18. ***quasi***] above § 61 l. 10.

l. 19. falsum de iure respondisse] 'has given a wrong explanation, answer, to any one consulting him (*consultori*) on a point of law,' cf. Ov. Am. III 3, 11 *falsum iurare puellis di quoque concedunt*, and for the technical term *respondere* Hor. Ep. I 3, 24 *seu civica iura respondere paras*, Plin. Ep. VI 15, 3 *ius civile publice respondet*.

l. 20. professi sunt] istiusmodi artes.

l. 21. afuisse ab istis studiis] 'have been disinclined to those pursuits,' cf. ep. ad Att. VII 24 *ego a consilio fugiendi, ut tu censes, absum*, Sall. Cat. 6, 4 *ceteri a periculis aberant*, i. e. 'kept aloof from.'

l. 23. ut—quamvis frugi hominem—ferre moleste—si—nesciunt] 'just as in purchasing slaves, when we buy one as a carpenter or a plasterer, we are used to be vexed with him—however honest and serviceable a fellow he may be—if we happen to find that they know nothing about the trades, which we had in view when making our purchase.'

l. 24. parandis] sc. argento or aere. Cf. Liv. XLI 6, 10 *nihil inter se et argento parata mancipia interesse*, Sall. Iug. 31, 11 *servi aere parati*, Cic. ep. ad Att. XII 19, 1 *cogito—trans Tiberim hortos aliquos parare*, Catull. X 20 *ut...non possem octo homines parare rectos*.

Frugi is an epithet frequently applied to slaves as in or. p. Cluent. § 47 *servus non incallidus, sed frugi atque integer*, Hor. Sat. II 7, 3 *Davus, amicum mancipium domino et frugi quod sit satis*, Ter. Adelphi V 9, 1 (959) *frugi homo's* (Demea ad Syrum). The word according to Cic. Tusc. III § 16 has a wider signification than the Greek χρήσιμος, being applied to one who is honest, discreet and temperate, whence the proverb *hominem frugi omnia recte facere* ib. IV § 36.

pro fabro—emimus] see Lewis and Short *Dict.* under *pro* B. 3 p. 1448 b, for like instances of this use of the preposition. *Tector* means one whose business is to prepare a wall for the reception of mural paintings.

l. 26. secuti sumus] see above § 39 l. 17 n.

l. 27. emimus] past perfect, hence *imponeremus* not *imponamus*.

imponeremus] sc. villae, 'to set over our estate.' Wunder compares Sallust Iug. 100 § 3 *simul consul, quasi nullo imposito, omnia providere*. Add Cat. 51 § 28.

l. 30. rei p. vilicos] cf. Iuv. Sat. IV 77 *Pegasus attonitae positus modo vilicus urbi*, Liv. VI 18, 13 *minore negotio, qui imperet patribus, imponetis, quam qui resisterent imperantibus imposuistis*, XLII 41 § 14 *Euphranorem praefectum a me impositum occiderunt*, Tac. Ann. II 4 *iussu Augusti impositus Artavasdes*, VI 11 *ferunt ab Romulo Dentrem Romulium—ab Tarquinio Superbo Spurium Lucretium impositos*.

l. 31. facile patitur] 'is well pleased,' cf. § 63 l. 5, § 97 l. 28, ep. ad Att. XV 2, 2 *consilium meum a te probari facile patior*, ib. XVI 16

§ 10 *numquam putavi fore, ut supplex ad te venirem, sed hercule facile patior datum tempus, in quo amorem experirer tuum*, ep. ad fam. V 7, 2 *apud me plus officii residere facillime patior*, or. p. Sull. § 1, Tusc. I § 81 *te de aeternitate dicentem aberrare a proposito facile patiebar.*

innocentia] 'integrity' as opposed to rapacity and extortion, see or. p. leg. Man. §§ 37—39.

l. 32. quotus quisque] = quam pauci, lit. 'each how many-eth,' i.e. 'one out of how large a number,' 'what a small fraction;' Tusc. IV 2 § 11, de nat. deor. I § 79 *quotus enim quisque formosus est?* or. p. Ligar. § 26 *quotus enim quisque id fecisset?* Roby Gr. II 2284.

l. 33. ut eos numeres] 'supposing that,' 'even if we count those,' § 10 l. 30, Roby Gr. II 1706, Zumpt Gr. § 341, § 573, Madv. Gr. § 440 a *obs.* 4, Tusc. I § 49 *ut enim rationem Plato nullam afferret, ipsa auctoritate me frangeret.*

P. 26, l. 1. quidnam—tot civibus est futurum?] 'what is to become of so many citizens?' *Civibus* may be either the ablative (cf. Cic. ep. ad fam. XIV 4, 3 *sed quid Tulliola mea fiet?*, ep. ad Att. VI 1, 14 *quid illo fiet quem reliquero?*, acad. II § 107 *quid fiet artibus?*, or. p. leg. Man. § 59 *si quid eo factum esset*) or the dative as in Cic. Acad. II § 27 *sapientiae vero quid futurum est?*, ib. § 97 *quid faceret huic conclusioni.* See Madvig Gr. § 241 obs. 5 and § 267, de fin. II § 79.

CHAPTER XXVI

§ 63, l. 3. nihil potest] sc. dicere.

l. 4. in se] i.e. Plancius, whom Laterensis had prosecuted rather than Plotius; or because he had not prosecuted both of them, § 17 l. 29, § 54 l. 15.

l. 5. idem] 'at the same time,' 'also,' Zumpt Gr. § 137, § 697, Madv. Gr. § 488, Kenn. Gr. p. 284.

facile patior] above § 62 l. 31.

l. 8. atqui] the proper place of *atqui* is only in the 'assumptio' or 'propositio minor' of a Syllogism. So here, though the 'conclusio' is wanting. But the deficiency is readily supplied: and herein consists the delicacy of the language, that Cicero by the use of *atqui* to a certain degree invites his hearers to form the conclusion, which from his own mouth would be somewhat harsh and irksome. The premisses are (1) facile patior te ecferre Laterensem laudibus. (2) Atqui ornamenta non enumeras. The conclusion is: Reprehendo igitur te, quod tam diu tam temere dixisti. Cf. Seyffert sch. Lat. I p. 185 sq. KÖPKE

l. 9. enumeras] 'count up all those higher qualifications.' In modern languages 'but' would be inserted before the next clause, § 75 l. 15.

l. 10. Praeneste fecisse ludos] 'exhibited public games at Praeneste,' or. p. Sest. § 116 *qui ludos apparatissimos fecisti*, de rep. II § 36 *eundem primum ludos maximos, qui Romani dicti sunt, fecisse accepimus*, Brut. § 78 *hoc praetore ludos faciente*, ep. ad Att. XV 10 *ludos vero non facere, quid foedius?* Liv. XXXI 4, 5 *ludi Romani scenici magnifice apparateque facti.* Praeneste, now *Palestrina*, was the great fortress-town on the Aequian frontier, commanding the passage from Latium into the valley of the Sacco, situated on one of the projecting spurs of the mountains lying between that river and the Anio (*altum Praeneste* Verg. Aen. VII 682). It possessed a very ancient temple of Fortune, which was restored by Sulla. It was a favourite resort of the Romans on account of its healthy situation (Hor. Od. III 4, 23). See Burn's *Rome and the Campagna* p. 382 ff.

l. 11. quid? alii quaestores nonne fecerunt?] i.q. omiserunt facere. Ernesti and Wunder are wrong in reading *non* from one inferior MS, because *nonne* is found in several other places, where we should expect to find *non*, the rule being that 'by a question with *nonne* a certainty is expressed that a thing is, with *non* surprise that it is not and a doubt of the possibility of its being denied' Madv. Gr. § 451 c. *obs.* Cf. Tusc. I § 17 *quid? si rogavero te aliquid, nonne respondebis?* 'will you make no reply?' (where however Kühner reads *non* against MS authority), de fin. II § 10 *quid paulo ante dixerim, nonne meministi?* = *oblitusne es*, ib. V § 86 *nonne igitur, inquit, tibi videntur mala*, i.e. *credis igitur non esse mala?*, or. p. Rosc. Am. § 80 *nonne cogitas te a sectoribus huc adductum esse*, 'do you not think,' i.e. 'do you forget?'

Cyrenis] where Laterensis was pro-quaestor in the year of Cicero's consulship B.C. 63. See Intr. § 6 and cf. § 13. Cyrene, or Cyrenae, the chief city of Cyrenaica and the most famous of the Hellenic colonies in Africa, was founded in B.C. 631 by Battus over a spring Cyre, consecrated to Apollo. Among its celebrated natives were Aristippus the philosopher, the poet Callimachus, and the orator Synesius bishop of Apollonia. Monarchical rule prevailed there, long after it was superseded by republicanism in other Greek colonies.

l. 13. ita multa—geruntur] *ita* qualifies the whole clause, 'to such an extent is it true that Rome is occupied with her own busy life, that what goes on in the provinces is scarcely heard of.'

§ 64, l. 14. non vereor ne mihi aliquid etc si—dixero] Ut se Laterensis ostenderet aedilitate fuisse Plancio digniorem, commemoraverat se apud Praeneste ludos edidisse; Cyrenis etiam summa liberalitate in publicanos egisse; in socios fuisse denique iustissimum. Quae omnia iactantius ab illo dicta quam eleganter elevet et abiciat M. Tullius, consideremus. Persuadere vult namque, omnia illa, quae foris gesserit, apud conscientiam populi Romani latere potuisse. Ac ne acerbius animum laederet audientis, de quaestura sua egit non sine figura (συγκρίσεως?); quod, cum Lilybaeo decedens Puteolos adventasset, omnes eum ignoraverint primo ex provincia, tunc deinde ex

Sicilia, ad extremum ex Lilybaetana venire. Quibus ipse varia sciscitantibus novissime cum permistione quadam stomachi responderit, se ad aquas potius in Campaniam venisse, ut interrogationes ipsorum ab se respueret, quos moleste ferebat ignaros esse quaesturae, quam se meminerat magna cum laude gessisse, proficit ad illam responsionem multa Romae ignorari, quae foris gesta sunt a senatoribus; ac propterea Laterensem frustra in illis, quae extra urbem gesserat, habuisse fiduciam. SCHOL. AMBR. Male interpres initio huius notae Laterensi tribuit quae Cassius dixerat. W.

l. 15. **de quaestura mea**] at Lilybaeum in B.C. 75 under the praetor Sextus Peducaeus. See Verr. III § 182, V § 35.

l. 16. **floruerit**] *florere* is not often used of inanimate and abstract things in the sense 'to be in good repute' absolutely, without mention of the qualities or circumstances on account of which anything is thriving. Cf. § 22 l. 23.

eum—fuisse—ut] 'was such—that,' 'so demeaned myself that.'

in maximis imperiis] i.e. the praetorship and consulate, B.C. 66 and B.C. 63. Praetors and consuls were said 'esse cum imperio,' Verr. Act. I § 37 *erit tum consul Q. Hortensius cum summo imperio et potestate*, or. p. Sest. § 128 *qui provincias cum imperio obtinerent*, ep. ad Q. fr. I 1 § 31 *quoniam in istis urbibus cum summo imperio et potestate versaris;* the *imperium* could only be conferred by a *lex curiata*, the *potestas*, 'civil authority,' in virtue of their election by the *comitia centuriata*. The quaestors had *potestas* in virtue of their election by the *comitia tributa* (ep. ad fam. VII 30 § 1, Messalla ap. A. Gell. noct. att. XIII 15), but not *imperium*.

l. 17. **non ita multum**] 'not so very much,' cf. or. Phil. II § 108, Brut. § 244 *non ita multos*, de off. II § 19 l. 15 *neque ita multo post*, III § 81 l. 36 *non ita magnum* where see my note. On *multum gloriae* see above, § 55 l. 29 n.

ex quaesturae laude]=ex quaestura cum laude gesta.

l. 18. **sed tamen**] resumptive, § 18 l. 3, § 54 l. 14.

l. 21. **nihil aliud—nisi loqui**] 'did nothing else but talk.' On the ellipsis of *facere* see Roby Gr. II § 1441, Madv. Gr. § 479 obs. 5. Cicero always uses *nihil aliud nisi*, not *nihil aliud quam*. See Landgraf on Cic. p. Rosc. Am. p. 329.

l. 22. **frumenti—maximum numerum**] 'a very large stock of corn,' de off. III § 50 l. 25 note.

in summa caritate] sc. annonae, 'at a time of very great dearth of provisions,' cf. de off. II § 58 l. 11 n. The quaestors had among other duties to levy those parts of the public revenue which were not farmed by the *publicani*, and to forward the sums raised, together with the accounts of them, to the *aerarium*. Smith, *Dict. Antiq.* p. 982 a.

l. 23. negociatoribus—mercatoribus] sc. visus eram. The two classes are distinguished, Verr. II 2 § 188 *mercator an negociator an arator.* The former were the Roman money-lenders, bankers and merchants on a large scale, who bought up corn on speculation; the latter traders who went about with their goods and trafficked with the natives, Long Verr. II 2 6 § 16, Ramsay *R. A.* p. 431.

mancipibus] the *publicani* who farmed the *decumae.* According to Pseudo-Ascon. in Cic. Div. in Q. C. § 33 they were *publicanorum principes:* according to Paul. Diac. ex Festo p. 151 ed. Müller *manceps dicitur qui quid a populo emit conducitve, quia manu sublata significat se auctorem emptionis esse; qui idem praes dicitur, quia tam debet praestare populo quod promisit quam is qui pro eo praes factus est.* Cf. Verr. II 1 § 141.

l. 24. abstinens])(*avarus* 'one who respects what is another's.'

§ 65, l. 26. decedebam] The technical term for 'retiring from a province' on the expiration of a term of office, usually with *provincia, de provincia* or *ex provincia;* used absolutely, as here, in Sall. Iug. c. 36, 4 *Albinus Romam decessit* for A. provincia decessit et Romam se contulit. See below § 100 l. 23.

l. 27. omnia delaturum = omnes honores quos peterem. LANDGRAF. The *ut* clause explains and expands the pronoun *hac.* Cf. § 16 l. 11, § 50 l. 10, § 53 l. 6.

l. 28. cum casu diebus iis—forte venissem] 'on coming to Puteoli, for the purpose of continuing my journey by land, which, as chance would have it, I did just at the height of the season.' Cicero landed at Puteoli in order to proceed thence by land to Rome (*itineris faciendi causa*) as in the well-known instance of St Paul (Act. Apost. XXVIII 13), and it so happened that his visit was just at the time when Puteoli was full of fashionable visitors. He seems to lay stress on the fact of his visit being accidentally at such a time, lest it should be supposed that he courted an ovation. Puteoli (hod. *Pozzuoli*) was a famous seaport-town of Campania on the east side of the sinus Baianus. It was founded by the Greeks of Cumae B.C. 521 under the name of Dicaearchia, and the name was changed to Puteoli because of its many 'wells' (*putei*) in the second Punic War, when it was fortified by the Romans. A colony was established there in B.C. 194, and, being the first really good port on the south of Rome, it became one of the most considerable emporiums of foreign trade in Italy (Strabo, XVII p. 793), and also, like Baiae and its neighbourhood, a favourite resort of the Roman nobility. Cicero himself had a villa between it and the lake Avernus, which he called his *Academia*, otherwise *Puteolanum.* The modern town retains many remains of its former grandeur, the most famous of which are the temple of Serapis, and the piles or piers of its ancient mole. Festus [Paul. Diac. p. 122 Müll.] says of it: *Minorem Delum Puteolos esse dixerunt, quod Delos aliquando maximum emporium fuerit totius orbis terrarum: cui suc-*

cessit postea Puteolanum, quod municipium Graecum antea Δικαιαρχία *vocitatum est. Unde Lucilius 'Inde Dicarcheum populos Delumque minorem.'* Statius Silv. III 5, 75 speaks of *Dicarchaei portus et litora mundo hospita.* Cf. Madv. ad Cic. de fin. II § 83 p. 281.

l. 28. **at ego cum—venissem, cum—solent esse, concidi paene cum ex me quidam quaesisset**] Observe that in this passage *cum venissem* is the historical protasis to *concidi*, while *cum solent* merely explains the time implied in *iis diebus*, Zumpt Gr. § 579 *note*.

l. 29. **lautissimi**] 'the fashionable world.' *lautus* is properly 'washed,' 'bathed,' hence transl. 'elegant,' 'sumptuous,' 'rich,' 'grand,' Iuv. Sat. XI 1, *Atticus eximie si cenat, lautus habetur.*

l. 30. **concidi paene**] 'I thought I should have sunk to the earth, when I was asked on what day I had left Rome and whether there was any news there,' so great was the shock to my pride, my discomfiture, at not receiving the congratulations I expected. Cf. Phil. V § 23 *quo ille nuntio audito...repente concidit*, II 107 *qua re tibi nuntiata, ut constabat uter eos qui una fuerunt, concidisti* i.e. 'you collapsed.'

l. 33. **etiam me hercule**] An expression like our 'oh yes, to be sure,' and the German '*ja so!*' as if he were reminded of something he had forgotten. Cf. Hand Turs. II p. 568, Nägelsb. lat. Stil. p. 236. It is often used by Cicero at the end of a letter, as ep. ad Att. I 13, 6 *novi tibi quidnam scribam? quid? etiam*, i.e. estne aliquid? est vero, II 6, 2 *aliud quid? etiam*, ad Q. fr. III 1, 7 § 24 *quid praeterea? quid? etiam*, i.e. habeo aliquid, ad Att. VII 3 § 12 *quid superest? etiam: gener est suavis mihi.*

CHAPTER XXVII

l. 1. **fastidiose**] 'disdainfully.'

immo] n. to § 33 l. 33, Zumpt Gr. § 277.

l. 2. **quasi qui omnia sciret**] 'who pretended to know everything,' but who did not know that Cicero had held the quaestorship of the division of Lilybaeum and not that of Syracuse. The double quaestorship in Sicily (Verr. II 2 § 11) is probably to be accounted for by the gradual acquisition of the island by the Romans, the western part having been ceded by Carthage in B.C. 241, the eastern remaining unconquered until B.C. 210. When the entire island became a province, a second quaestorship was founded because of its importance as one of the chief sources of their supply of corn, in the district of Syracuse, that established over the district of Lilybaeum still remaining. See Mr Heitland's note to Div. in Q. Caec. § 2.

l. 3. **quid multa**] sc. dicam, 'to cut my story short,' Kenn. Gr. § 346.

l. 4. **unum ex eis qui ad aquas venissent**] 'one of the regular (ordinary) visitors to the baths' (of Puteoli). See my note to de off I. § 109 l. 28 on *unus de multis*. For *aquae* 'mineral springs' cf. ep. ad fam. XVI 24, 2 *puto utrumque ad aquas*. The *aquae Baiae* were formerly called *aquae Cumanae* (Liv. XLI 16, 3): cf. Vitruv. de archit. II 6 § 2 ed. Rose: *in montibus Cumanorum Baianis sunt loca sudationibus excavata, in quibus vapor fervidus ab imo nascens ignis vehementia perforat eam terram per eamque manando in his locis oritur et ita sudationum egregias efficit utilitates*. See Lewis and Short *Dict.* s. v. p. 148 a.

l. 5. **haud scio an**] 'I am inclined to think,' 'probably,' Madvig Gr. § 453. Cf. Cic. de off. III § 6 l. 30 with my note. There is a note in the Schol. Ambros. on this passage: 'hoc ait, magis laetatus sum ignorasse multos, ex qua provincia venirem, quam si venienti mihi gratularentur. Perstringere enim voluit invidiam praesidum, qui spoliatis provinciis revertantur; ac propterea eos amici sui cum gratulatione suscipiant, quod divites evenerint.' Whereupon Wunder observes that the scholiast has missed the point, when he speaks of *magis laetatus sum*, and himself paraphrases thus: 'set quod ignaros cognovi homines Romanos eorum, quae quaestor egeram, sine dubio ad consequendam gloriam et gratiam populi R. utilius mihi fuit, quam si omnes tum mihi gratulati essent. Nam ex ea re intellexi, populum Rom. non adtendere ad ea, quae extra urbem gerantur, ideoque feci, ut in posterum cotidie praesentem me videret meaque praesentis virtute frueretur.'

§ 66, l. 7. **oculos—acris atque acutos**] *acer* denotes that which is naturally sharp, *acutus* that which is so by skill, exertion.

l. 10. **habitavi in oculis**] = in oculis civium vixi, de off. III § 3, 'I lived in public,' never was out of the sight of men. Nägelsb. lat. Stil. § 104 p. 285, comp. or. Phil. XIII 3, 5 *hi in oculis haerebunt*, XII 1, 2 *quorum in vultu habitant oculi mei*. Similarly Brut. § 305 *hi quidem habitabant in rostris*, de or. I § 264 *qui habitaret in subselliis = nihil ageret nisi causas iudiciarias, ut illic sedem fixisse videretur* 'haunted the courts,' or. p. Mur. § 21 *cum his qui in foro habitarint*, orat. § 49 *in bonis haerebit et habitabit suis*, de or. II § 160.

pressi forum] 'I frequented the forum constantly,' never left the forum, 'ich bin vom Markte nicht weggegangen,' as Nägelsb. renders it, lat. Stil. § 104 p. 285.

neminem a congressu meo—absterruit] 'neither my door-keeper nor sleep deterred any one from having an interview with me.' Cf. Hor. Od. III 24, 23 *si per invisum mora ianitorem fiet, abito*.

l. 11. **ecquid ego dicam**] 'shall I speak?' *Ecquid* is a mere interrogative particle here, Madv. Gr. § 451 b. *obs.*, Zumpt Gr. § 351.

l. 12. **occupatis temporibus**] 'busy times,' 'hours of employment.'

cui fuerit ne otium quidem umquam otiosum] 'when even my leisure hours where not unemployed.' Cf. Enn. ap. A. Gell. n. a. XIX 10, 12 (Fab. v. 58 ed. L. Müller) *ótioso in ótio animus nèscit quid velit*, de rep. I § 27, de off. III § 1, or. p. Cael. § 1 *cum vos laboriosos existimet, quibus otiosis ne in communi quidem otio liceat esse*, Phaedr. fab. II 5, 1 *est ardelionum quaedam Romae natio, occupata in otio. Otium* is the time when one is free from public business; *otiosus* is used in the case of time entirely unemployed.

l. 15. **feriis**] ablative of time. Cf. de legg. II § 29 *feriarum festorumque dierum ratio in liberis requietem habet litium et iurgiorum, in servis operum et laborum*, where note the difference between *feriae* 'a holiday' and *festus dies* 'a festival.' The former is more general, and includes the latter; but all *feriae* are not necessarily *festi dies*.

l. 16. **Catonis illud—in principio Originum**] 'the following maxim of Cato which he wrote at the commencement of his *Origines*.' This was M. Porcius Cato censorius (§ 20), who was born B.C. 234 at Tusculum, was consul in B.C. 196, censor in B.C. 184, died in B.C. 149. The work here quoted was the first really historical work in Latin, and not merely a compilation of chronicles. It comprised the history of Rome from a very early period down to the time just preceding the author's death, and an account of the principal Italian states. See Corn. Nep. Cat. III § 3 *senex historias scribere instituit. earum sunt libri septem. primus continet res gestas regum populi Romani, secundus et tertius unde quaeque civitas orta sit Italica, ob quam rem omnes Origines videtur appellasse. in quarto autem bellum Poenicum est primum, in quinto secundum: atque haec omnia capitulatim sunt dicta. reliqua quoque bella pari modo persecutus est usque ad praeturam Servii Galbae* (A. U. C. 603 = B. C. 150) *qui diripuit Latinos: atque horum bellorum duces non nominavit, sed sine nominibus res notavit. In iisdem exposuit, quae in Italia Hispaniisque aut fierent aut viderentur admiranda: in quibus multa industria et diligentia comparet, nulla doctrina.*

l. 17. **clarorum virorum—negotii rationem**] for exx. of the double genitive, subjective and objective, dependent upon one and the same word, see above § 24 l. 13, § 72 l. 4, and my n. to de off. I § 49 l. 22. Columella de r. r. II c. 22 refers to the maxim: *tam otii quam negotii rationem reddere oportere maiores nostri censuerunt*, and also Justin hist. Philip. praef. *simul ut otii mei, cuius et Cato reddendam putat, apud te ratio constaret.*

l. 19. **itaque**] resumes from l. 11 *ecquid ego dicam?* See § 36 l. 12 n.

l. 20. **mea privata consilia publici quoque casus comprobaverunt**] 'my private plans have been verified as good, justified by, public events also,' an allusion to his suppression of the conspiracy of Catiline.

l. 22. **summa res publica**] § 52 l. 25.

§ 67, l. 23. **eadem—via munita Laterensi est**] 'the same way lay open to Laterensis.' Cf. or. p. Mur. § 47 *haec omnia tibi accusandi*

viam muniebant, Tusc. I § 32 *numquam abisset* (ad deos Hercules), *nisi, cum inter homines esset, eam sibi viam munivisset.*

'Nota gratificationem molestam et cum magnis amaritudinis aculeis interpositam. Dicens namque non aliter ad honores adipiscendos perventurum esse Laterensem quam Tullius ipse...de...subiunxit testificando, se non generis nobilitate sed virtute ad omnis magistratus pervenisse; Laterensem hoc amplius adiumenti habiturum, quod nobili familia ortus in candidam veniat. Sibi ergo adiudicavit non laenocinia generis sed praestantiam virtutis; illi vero spem de maioribus dedit, quod suffragium scimus esse fortunae.' SCHOL. AMBR.

l. 24. **quod ego—commendatione maiorum**] the antithesis (*ego ascendi*), which serves as a foil to bring out the thought, and which we should introduce as a subordinate clause by 'while,' is co-ordinated as a main clause. See above § 41 l. 32 n., Nägelsb. lat. Stil. § 160, § 161.

l. 25. **huc**] sc. ad gloriam.

a me ortus] Madv. de fin. V § 64 p. 720. Cicero was *auctor nobilitatis suae* (Tusc. IV § 2) 'the founder of his family,' or, as he says of Pompey (Brut. § 96), *homo, per se cognitus, sine ulla commendatione maiorum*, and of Cato (Verr. II 5 § 180) *ipse sui generis initium ac nominis ab se gigni et propagari volebat.* Also of himself (or. de leg. agr. II § 1) *mihi, Quirites, apud vos de meis maioribus dicendi facultas non datur, non quo non tales fuerint, quales nos illorum sanguine creatos disciplinisque institutos videtis, sed quod laude populari atque honoris vestri luce caruerunt.*

l. 26. **sed, ut redeam**] a final parenthetical clause, § 25 l. 26, § 62 l. 33. This is a common form of *revocatio.*

l. 27. **sorte**] as quaestor of Macedonia, for the quaestors had their 'provinciae' determined by lot, as Cic. tells us ep. ad Qu. fr. I 1 *quaestorem habes, non tuo iudicio delectum, sed eum quem sors dedit*, in Q. Caec. div. § 46 *quaestoris cum praetore necessitudinem, constitutam more maiorum, sortis religione.*

lege] in the service of war as *tribunus militum*, which, as being ordered by law, he could not evade.

necessitate] in the business of the *societas*, which his father entrusted him with. But Ferratius interprets *necessitate* otherwise 'cum fuit in Africa miles A. Torquati, in Creta Q. Metelli, ea necessitate adductus qua omnes cogebantur post sumptam virilem togam decem stipendia facere.'

l. 28. **non valuit rebus isdem cet.**] was not an orator or *iurisconsultus*. Eloquentiam significari et iuris prudentiam e § 62 conligi potest. W.

quibus fortasse non nulli] sc. valent. 'Verbo *nonnulli* cum significet tecte Laterensem, cum acerbitate patet adverbium *fortasse* additum esse.' W.

l. 29. adsiduitate] a term used of the constant attendance of candidates for office in the assemblies, the *habitatio in oculis* (§ 66), *ne oblivione iacerent.* Cf. Q. Cic. de pet. cons. I 1 § 41—§ 43 *dicendum est de illa altera parte petitionis quae in populari ratione versatur. ea desiderat nomenclationem, blanditiam, adsiduitatem cet. Iam adsiduitatis nullum est praeceptum, verbum ipsum docet quae res sit...hic fructus est adsiduitatis, non solum esse Romae atque in foro, sed adsidue petere, saepe eosdem appellare, non committere ut quisquam possit dicere...se abs te non esse rogatum et valde ac diligenter rogatum,* or. p. Mur. § 21 *adsiduitatis et operarum harum quotidianarum putat esse consulatum,* Verr. II 1 § 101 *denique, id quod levissimum est, adsiduitate praetor factus est.*

observandis amicis] see n. to § 9 l. 14, § 45 l. 8.

liberalitate] § 45 l. 7. Cf. de off. I § 43, § 44.

l. 30. fui in oculis] above § 66 l. 10.

l. 31. minima invidia] ablative of attendant circumstances with adjective as predicate. See Zumpt Gr. § 646, Madv. Gr. § 277, Kenn. Gr. p. 405, Roby Gr. § 1242, n. to de off. II § 61 l. 10, III § 49 l. 9.

CHAPTER XXVIII

P. 28, § 68, l. 1. Nam quod ais] 'for, as to your assertion.' Zumpt Gr. § 627. For similar instances of *nam* see § 7 l. 27, § 54 l. 7, § 84 l. 20, § 9 l. 16. See n. to de off. III § 110 l. 1, I § 118 l. 23.

l. 3. me debere bonis omnibus fateor cet.] 'I admit, I am under an obligation to all patriotic men; but even these my creditors, good men and citizens, said that they were more or less bound to serve Plancius at the aedileship election on my account,' i.e. in consideration of his services to me in my exile. *Debeo* is seldom found in this sense absolutely. **meo nomine**] Cf. or. Philipp. I 12 § 30 *gratias boni viri agebant, tuo nomine gratulabantur,* Tac. hist. I 29 *non quia meo nomine tristiorem casum paveam.*

l. 5. verum fac me cet.] 'but, supposing that I am indebted to many people and to Plancius among them, what course ought I then to pursue? turn bankrupt and defraud my creditors, or pay all my other creditors, when each one's debt falls due, and settle the present pressing debt now when it is claimed?'

l. 6. conturbare, in full conturbare rationes or rationem, in the language of business=*foro cedere, decoquere, non esse solvendo* (de off. II § 79), 'to become bankrupt,' 'declare oneself insolvent.' Cf. ep. ad Att. IV 7, 2 *homini Graeco qui conturbat, et quidem putat sibi licere quod equitibus Romanis,* ad Q. fr. II. 10 § 5 *rescripsi nihil esse quod posthac arcae nostrae fiducia conturbaret,* Iuv. Sat. VII 129 *sic Matho conturbat, Pedo deficit,* Martial IX 4, 5—6 *conturbabit Atlas, et non erit uncia tota, | decidat tecum qua pater ipse deum.*

l. 7. **cum cuiusque dies venerit**] 'when the day of payment for each man shall have come.' *Dies*='appointed time,' sometimes *status dies*, de off. I § 31 l. 11, Plin. ep. IX 30, 1, Phaedr. fab. I 16 *ubi vos requiram cum dies advenerit*, or *dictus dies* as in Ter. Andr. I 1, 75, Caesar B. G. I 42, 4, or *praestitutus dies* as in Liv. III 22, 4, ep. ad Att. XIII 49, 1, Tusc. I § 93 *at ea quidem* (natura) *dedit usuram vitae nulla praestituta die*. **hoc nomen**] short for *nomen huius Planci*. Long follows Wunder in reading *huic* for *hoc* of the MSS, while he admits that the correction is unnecessary. It is not only unnecessary but weakens the force of the passage. On the meaning of *nomen* see n. to de off. III § 59 l. 21.

quod urget] Cf. Tusc. III § 61 *praesentis atque urgentis mali*.

l. 8. **dissolvere** ='dinumerando solvere' 'to discharge a debt.' Cf. or. p. Sull. § 56 *aes alienum eiusdem dissolutum est*, or. p. Rosc. Com. § 38 *Roscio omne, quod debuit, dissolvit*, Ter. Ph. IV 3, 50: so Tusc. I § 101 *poena quam sine mutuatione et sine versura possem dissolvere*.

quamquam, adverbial, 'and yet,' 'though indeed,' added to modify or correct a previous assertion, above § 3 l. 3, § 4 l. 16, § 7 l. 28, Kenn. Gr. p. 481, Roby Gr. II 2215, n. to de off. II § 76 l. 10.

dissimilis est pecuniae debitio et gratiae] 'a debt of gratitude is different from a debt of money. For he who pays a money debt at once forfeits possession of that which he has repaid; while he who owes it keeps back what belongs to another. But with a debt of gratitude it is not so; he who repays still retains it; and he who retains repays it by the mere act of retaining it. And so I shall not now cease to be in Plancius' debt if I have paid off this obligation; and I should be repaying it all the same by my good wishes alone, if this unpleasantness had not happened.' Cf. de off. II § 69 l. 12. Aul. Gellius N. A. I 4 gives us a criticism of the rhetorician Antonius Julianus on this passage, which he quotes in full:—*crispum sane agmen orationis rutundumque ac modulo ipso numerorum venustum, sed quod cum venia legendum sit verbi paulum ideo immutati, ut sententiae fides salva esset. Namque debitio gratiae et pecuniae collata verbum utrubique servari postulat. Ita enim recte opposita inter sese gratiae pecuniaeque debitio videbitur, si et pecunia quidem deberi dicatur et gratia, sed quid eveniat in pecunia debita solutave, quid contra in gratia debita redditave, debitionis verbo utrimque servato, disseratur. Cicero autem, cum gratiae pecuniaeque debitionem dissimilem esse dixisset eiusque sententiae rationem redderet, verbum debet in pecunia ponit, in gratia habet subicit pro debet; ita enim dicit: Gratiam—refert. Sed id verbum habet cum proposita comparatione non satis convenit. Debitio enim gratiae, non habitio, cum pecunia confertur, atque ideo consequens quidem fuerat sic dicere: 'et qui debet, in eo ipso, quod debet, refert;' sed absurdum et nimis coactum foret, si nondum redditam gratiam eo ipso redditam diceret, quia debetur. 'Immutavit ergo, subdidit verbum ei verbo, quod omiserat, finitimum, ut videretur et sensum debitionis conlatae non reliquisse et concinnitatem sententiae retinuisse.'*

l. 14. **hoc molestiae**] viz. the prosecution of Laterensis. 'Eius accusatio, in qua gratiam reddo non sola voluntate, sed ipsa etiam re.' MANUTIUS. For the genitive after *hoc* cf. § 46 l. 25, § 55 l. 29, § 64 l. 17, Hor. Epod. III 5 *quid hoc veneni, saevit?*, Sat. I 4, 104 *hoc mihi iuris dabis;* and see Madv. Gr. § 285 b, Kenn. Gr. p. 419.

§ 69, l. 16. **quibus nihil mihi potest esse iucundius**] 'who are beyond anything dear to me.'

l. 18. **istorum caritate**] 'my affection for them,' objective genitive as usual after *caritas*, or. p. Sest. § 53 *propter ipsius patriae caritatem*, ep. ad fam. X 22, 2 *sic tibi persuade, tantam esse apud omnes bonos tui caritatem*, Liv. I 51, 8 *servis qui caritate domini vim parabant*, II 2, 5 *ni caritas rei publicae vinceret*, de off. III § 100 *neque eum caritas patriae retinuit nec suorum*.

l. 19. **neque illis—quicquam—et ego ipse**] on the combination of an affirmative and negative member see Madv. Gr. § 458 c, Kenn. Gr. p. 316, Roby II 2241, Zumpt Gr. § 338.

l. 21. **numquam illos aspicio quin—recorder**] 'I never look at them without being reminded,' § 7 l. 33, Kenn. Gr. p. 443, Roby Gr. II 1688, Madv. Gr. § 440 a obs. 3, Zumpt Gr. § 538.

l. 22. **meminerim—recorder**] *meminisse*, like μεμνῆσθαι, denotes 'remembrance' as a state of mind, to retain something in memory without ever having forgotten it: *reminisci* and *recordari*, as an act of the mind, to bring to one's mind again something which had been driven out of one's thoughts, *recordari* 'to bethink one's self of,' 'lay to heart,' 'to dwell in memory upon,' as the result of *reminisci*, 'the recalling it to memory,' or. p. Ligar. § 35 *sed parum est me hoc meminisse; spero etiam te, qui oblivisci nihil soles nisi iniurias—aliquid de huius illo quaestorio officio reminiscentem recordari.* Cf. § 104 l. 17.

l. 24. **Opimium**] L. Opimius, who as consul in B.C. 121 with Q. Fabius Maximus Allobrogicus (Brut. § 287) took the lead in the proceedings which ended in the murder of Gaius Gracchus, Philipp. VIII 14, Cat. I § 4, or. part. 30, 104, 106. In B.C. 120 he was accused by Q. Decius, tribune of the plebs, of having put Roman citizens to death without a trial, defended by the consul C. Papirius Carbo (*qui nihil de C. Gracchi nece negabat sed id iure pro salute patriae factum esse dicebat*, de or. II § 106) and acquitted. He was condemned however 11 years afterwards under the bill of C. Mamilius Limetanus for enquiring into the conduct of all those who had received bribes from Jugurtha (he had been sent with others to divide the dominions of Micipsa between Jugurtha and Adherbal), and went into exile to Dyrrhachium, where he died (SCHOL. BOB. p. 311, or. in Pis. § 95, or. p. Sest. § 140, de orat. II § 106, or. in Cat. II § 4, Brut. 128). Cic., as a member of the optimate party, frequently laments the fate of Opimius (or. p. Sest. § 140), but undeservedly, for he and his party abused their victory most savagely. According to Mommsen he was the true model of a Roman aristocrat. *See below § 70 l. 3*, § 88 l. 5.

servatorem ipsum rei p.] periclitantis ob leges Gracchi. MANUTIUS. Ceterum pronomen *ipsum* addidit Cassius quod L. Opimius, quem Plancio opposuit, non per alium, ut Plancius fecerit Ciceronis salutem conservans, sed ipse rem p. conservaverit. W.

l. 25. Calidium] Q. Calidius, father of the orator, was tr. pl. in B.C. 99 = A.U.C. 655, and carried a law in this year for the recall of Q. Metellus Numidicus from banishment, in gratitude for which the son Metellus Pius, when consul, supported him in his candidature for the praetorship. He was praetor urbanus in B.C. 79, praetor of Spain in B.C. 78. On his return to Rome from his province he was accused in the *quaestio de repetundis* by Q. Lollius and found guilty in B.C. 77 (Verr. I § 38, II 3 § 63).

Q. Metellus] Q. Caecilius Metellus C. f. Numidicus, the most distinguished of the family of the Metelli, hence generally called *Metellus ille N.* by Cic. as or. p. Sest. § 130, or. p. Arch. § 6, was consul B.C. 109 = A.U.C. 646 (Brut. § 135) with M. Junius Silanus, when he conducted the war against Jugurtha in Numidia, as he did also in the following years as proconsul, with success. On the cause of his return to Rome before the conclusion of the war see Cic. de off. III § 79 with my note. In B.C. 100 the demagogue Saturninus carried his agrarian law, which contained a clause that the senate should swear obedience to its provisions within five days after its enactment. Metellus refused to take the oath, and, when Saturninus brought forward a bill to punish him with exile, voluntarily quitted the city, rather than risk disturbances in it, (*cum in eam legem, quam non iure rogatam iudicarat, iurare unus noluisset, de civitate maluit quam de sententia demoveri*). On the death of Saturninus and the consequent dissolution of his party very little opposition was offered to his recall, which was proposed in B.C. 99, *tribunicia rogatione, interfectis inimicis, nulla auctoritate senatus restitutus est*, or. p. red. in sen. § 25, § 38, or. post red. ad Qu. § 10, ep. ad fam. I 9, 16.

l. 27. liberatus sit] 'was acquitted,' or. p. Clu. § 60 *an qui ceteros......condemnassent, hunc...liberarent*, Verr. II 2 § 71 *iidem qui antea Sopatrum eodem illo crimine liberarant*, or. p. Sest. § 140.

suo nomine] qui ipse rem publicam conservasset. W. Cf. § 68 l 5.

neque Q. Metelli Calidius] Hoc dicit. Licet Plancius egregie de salute tua meritus sit, tamen non est postulandum, ut propterea criminis alicuius convictus impunis ex iudicio discedat. Sic etiam L. Opimius et Q. Calidius propter sua in rem p. merita non id sunt consecuti, ut poenam, qua se scelere quodam dignos reddiderant, effugerent. W.

CHAPTER XXIX

l. 29. Q. Metellum] Q. Metellus, son of Numidicus, surnamed Pius, because of the devoted affection which he manifested for his father, when he besought the people to recall him in B.C. 99 (de or. II § 167). He was praetor in B.C. 87 and took an active part in the Social War. When Marius landed in Italy and joined the consul Cinna,

he left Italy for Africa, and on his return in B.C. 83 did good service on Sulla's side against the Marians. In B.C. 80 he was consul with Sulla and the next year went as proconsul to Spain, where he remained eight years, prosecuting the war against Sertorius (or. p. Balb. § 5, § 50, or. p. Arch. § 26, or. p. Sull. § 70), and celebrated a triumph in B.C. 71 along with Cn. Pompeius in honour of the close of the war; afterwards he became pontifex maximus. Cic. characterises him as *homo sanctissimus modestissimusque omnium*, 'a most singularly conscientious and law-abiding man,' or. p. Arch. § 9.

praetoriis comitiis] 'at the election of praetors' (which must have been in B.C. 80, see preceding note), when Q. Calidius was a candidate.

l. 30. pop. R. supplicasse] ut Q. Calidio praeturam deferret. W.

l. 32. illum] sc. Q. Calidium.

familiae nobilissimae] see my n. to de off. III § 79 l. 15.

§ 70, l. 33. quo loco] 'at this point,' 'on this topic.'

in iudicio Calidii] 'at the trial of Calidius,' for extortion. See above § 69 l. 25.

P. 29, l. 2. si Romae esse potuisset] which he could not have been, because he was proconsul in Spain at the time of the prosecution of Calidius.

l. 3. non fuisse facturum] 'would not have done,' Kenn. Gr. p. 486, Zumpt Gr. § 593, Madv. Gr. § 409, Roby Gr. II 1784.

nam] see n. to § 38 l. 8.

l. 6. illi iudices] they were chosen from the senate. Cic. asserts (Verr. I § 37) that had they been taken from the equites, such a disgraceful condemnation, as that of Q. Calidius, would never have been perpetrated. See Heitland and Cowie ad l.

l. 7. et non] 'and not as is really the case,' 'and not much rather,' as § 61 l. 11, § 71 l. 12, Zumpt Gr. § 781, § 334, Madv. Gr. § 458 a obs. 1, Kenn. Gr. § 84 p. 325, Roby Gr. II 2236, Seyffert Pal. Ciceron. p. 118. Cf. Tusc. I § 13 *quasi ego dicam eos mortuos qui nati non sunt et non eos qui mortui sunt*, Liv. X 8, 1.

parricidae] 'traitors.' Cf. or. in Cat. I § 29 *parricida civium*, or. p. Sull. § 19 *illi hosti ac parricidae*, § 6 *obstrictum esse patriae parricidio*, Phil. XI 29 *qui se nefario patriae parricidio obstrinxerit*.

graviorem infligere securim] 'to deal a more deadly blow.' Cf. or. p. Mur. § 48 *quam te securim putas iniecisse petitioni tuae?* with *plaga est iniecta petitioni tuae* just before.

l. 9. praetor finitimo, consul domestico bello rem p. liberarat] Cf. or. in Pis. § 95 *L. Opimius eiectus est e patria, is qui et praetor et consul maximis rem. p. periculis liberarat*, where Asconius has a note

'notum est Opimium in praetura (A.C. 123=A.U.C. 630) Fregellas cepisse, quo pacto visus est ceteros quoque nominis Latini socios male animatos repressisse, eundemque in consulatu (A.C. 121=A.U.C. 632) Fulvium Flaccum consularem et C. Gracchum tribunicium oppressisse, ob quam invidiam postea iudicio circumventus est et in exilium actus.' *domestico bello*='civil war,' so Caes. b. g. V, 9 4, b. c. II c. 5 *vel domesticis opibus vel externis auxiliis*, *victoria domestica*, Cic. or. in Cat. IV § 22 *domesticos hostes*, or. in Vat. § 25 *ut urbem a domesticis insidiis defenderem*, ep. ad fam. V 2, 1, de off. II § 26.

§ **71**, **l. 10.** **at**]=*at enim* (Gr. ἀλλὰ νὴ Δία, ἀλλὰ γάρ), used to express an opponent's objection, which must be answered. Cf. above § 53 l. 2, § 87 l. 18, and see n. to Cic. de off. III § 97 l. 10, Madv. Gr. § 437 c, Roby Gr. II 1623, Kenn. Gr. p. 319, Zumpt Gr. § 349. The reply is introduced by *quasi vero* in ironical sense, as in ep. ad Q. fr. I 1, § 7, de orat. II § 232.

ego nimis magnum—facio] h. e. nimis extollo beneficium et fingo multo maius esse quam fuit re ipsa, or. p. Flacco [§ 46] *cum verbis se locupletem faceret, haberet nihil praeter illam impudentiam, quam videtis*, Plauti Mil. gl. *magnum me faciam nunc*. GRAEVIUS. Add or. p. Mur. § 31 *verum haec Cato nimium nos nostris verbis magna facere demonstrat*, II Verr. 3 § 42 *magnum te fecisse arbitrare*, ep. ad Q. fr. I 2, 7 *valde magnum facis*, orat. § 105 *nos magnum fecissemus, si quidem potuissemus, quo contendimus pervenire*, Horat. I Sat. X 20 *at magnum fecit*.

l. 12. **et non**] above § 61 l. 11, § 70 l. 7.

l. 13. **quod—meritum**] See Madv. Gr. § 88, Roby Gr. II 2296, Zumpt Gr. § 134 *note*.

inquit] sc. Cassius.

an quia te non iugulavit] cum ad eum Macedoniae quaestorem lege Clodia pulsus Cicero venit. W. On *an* see n. to § 26 l. 5, § 33 l. 11, § 53 l. 32, and for the meaning of *iugulare* Addenda.

l. 14. **immo vero**] See n. to § 33 l. 11, § 43 l. 17, Zumpt Gr. § 277.

iugulari passus non est] by the dispersed Catilinarians, who were moving about in Greece, § 98 l. 4.

quo—loco] 'in which passage of your speech,' § 70 l. 33.

l. 15. **purgasti**] 'you have exculpated.'

l. 16. **ab illis insidias**] Cf. de off. II § 19 l. 21 *a bestiis ictus morsus impetus* with my note, ep. ad fam. IX 16, 7 *levior est plaga ab amico quam a debitore*, ep. ad fam. V 6 § 2 *a me insidias metuunt*.

posuit hoc] not 'assumed this,' but 'laid it down as true,' 'alleged as incontrovertible,' de leg. II § 6 *recte posuit in iudicio*, de fin. II § 83 *posuisti etiam dicere alios*, ib. IV § 25, or. p. Caec. § 32 *rem ponamus*,

i.e. as Jordan explains it 'ita rem constituamus ut nulla sit amplius de ea controversia,' or. p. Cael. § 15 *posuistis enim, atque id tamen titubanter et strictim, coniurationis hunc propter amicitiam Catilinae participem fuisse*, orat. § 14 *positum sit* ('festgestellt' O. Jahn) *in primis sine philosophia non posse effici eloquentem*.

l. 17. **de isto**] i.e. Laterensis.

l. 21. **toto illo anno**] the year B.C. 58 = A.U.C. 696, when Clodius was tribune of the plebs, and L. Piso, A. Gabinius were consuls.

l. 22. **ferrum in foro**] See the speech pro Sestio, the interrog. in Vatinium and parts of the speech pro Milone for a description of this reign of terror.

l. 23. **nisi forte existimas**] § 23 l. 2 n, § 75 l. 16.

eos] sc. inimicos.

idcirco—quod de reditu meo nihil timerent] 'on the ground that they were not at all afraid of my return to Rome.' *Nihil timere* = prorsus non timere, as in or. p. Sest. § 1 *de se nihil timere:* the contrary would be *omnia timere* as or. pro Sest. § 40: for *nihil* as an adverbial accusative see Zumpt Gr. § 677, Madv. Gr. § 455 obs. 4, de fin. II § 69, Hand Turs. III p. 198, Kenn. Gr. p. 323, Roby Gr. II 1094. Cf. the use of 'nought' for 'not.'

l. 24. **et quemquam putas**] *et* is here used either to subjoin the minor proposition in a syllogism, = 'now' 'but,' in the form of a question (see Kühner to Tusc. III § 9, Hand Turs. I p. 492 sqq.) or, more probably, as often with *quisquam*, in the sense of the Greek εἶτα our 'and,' 'and after this,' 'yet' to subjoin an impassioned exclamation or rhetorical question, having virtually a negative force. Cf. or. p. Mil. § 91 *et sunt qui de via Appia querantur, taceant de curia*, or. Phil. I § 19 *et vos acta Caesaris defenditis qui leges eius evertitis*, or. de imp. Pomp. § 42, § 55, Tusc. I § 92 *et dubitas, quin sensus in morte nullus sit*, Ovid Am. III 8 1 *et quisquam ingenuas etiamnum suspicit artes?*, Verg. Georg. II 433, Aen. VI 807, Mayor Philipp. II § 39 l. 5.

l. 25. **excordem**] 'silly,' *cor* being the seat of the intelligence, not of the affections. **vivis his**] sc. iudicibus. **stante urbe et curia**] Cf. de off. II § 3 *ut stante re p. facere solebamus*, or. Phil. II § 24 *quae si valuissent, res publica staret*, or. p. Sest. § 42 *senatum, sine quo civitas stare non posset*. Cf. § 81 l. 17.

l. 26. **curia**] 'the senate,' as emblem of law. Cf. Hor. Od. III 5, 7 *pro curia inversique mores*.

l. 27. **is homo et is civis**] i.e. cum is homo et is civis es, viz. as he is painted in § 58. Halm ad or. p. Sull. § 3 quotes Aristotle Pol. III 2, 2 ὅτι μὲν οὖν ἐνδέχεται πολίτην ὄντα σπουδαῖον μὴ κεκτῆσθαι τὴν ἀρετὴν καθ' ἣν σπουδαῖος ἀνήρ, φανερόν. 'Hoc dicit' says Wunder '*Non debes, qui* bonos viros incolumis remque publicam salvam cupias,

purgare inimicos meos, qui vitae meae insidias struxerint atque salutem rei p., quacum mea coniuncta fuit, evertere conati sint.'

quae conservata sit]=cum ea conservata sit.

l. 28. **molestia**] See cr. note.

CHAPTER XXX

§ 72, l. 31. **sum provocatus**] sc. ad respondendum.

l. 33. **temporis causa**] 'for the nonce,' 'for the particular occasion,' to serve the turn of the moment; so below § 74 l. 26, cf. ib. l. 4 *ad tempus*, or. p. Mur. § 62, or. p. Q. Ros. Com. § 50 *improbos temporis causa esse fingo.*

P. 30, l. 1. **scilicet**] 'of course,' 'you may be sure,' 'forsooth,' introducing an assertion, which is obviously false, ironically, Zumpt Gr. § 345 *n.* Cf. or. p. Sull. § 67 *scilicet is sum qui existimem* (eos) ...*nihil scelerate facere potuisse.* The syllogism is *Qui liber est et solutus, stultus est si se ullo vinculo obstringat; at Cicero liber est, ut Laterensis vult, stultus est igitur, si se Plancio obstringat.*

homo sapiens] 'like a wise man that I was.' **excogitavi quam ob rem viderer**] 'I devised reasons for seeming to be.'

l. 2. **beneficii vinclis obstrictus**] § 2 l. 17, § 73 l. 16.

l. 3. **liber et solutus**] 'free and disengaged,' under no obligation. The two words are often found connected, as Wunder observes, or. in Verr. II 2 § 192 *liberi ad causas solutique veniebant,* II 1 § 33, II 2 § 185, IV § 23 *soluti ac liberi ab omni sumptu,* or. p. Rab. Post. § 12 *ea lege qua totus ordo solutus ac liber* est, ep. ad Att. I 13 § 2 *sum ab observando homine perverso liber et ad dignitatem in re p. retinendam contra illius voluntatem solutus,* de div. I § 4 *motu soluto et libero.*

quid enim] Zumpt Gr. § 769, Madv. Gr. § 479 d. *obs.* 1, Roby Gr. II § 1441. The syllogism is *qui causas habet debendi, non opus habet ut fingat causas; at Cicero habet causas multas, non ergo opus habet, ut fingat.*

l. 4. **parum multae**] § 18 l. 13.

necessitudines familiaritatis] 'the obligations arising from the ties of intimacy,' the *genetivus definitivus* or genitive of relation and more specific definition, on which see Madv. Gr. § 286 obs. 2, Zumpt Gr. § 425, and cf. above § 27 l. 26, 30 l. 28, § 66 l. 17, de off. I § 152 l. 8, II § 16 l. 20, III § 70 l. 13, § 101 l. 32 with my notes. On this meaning of *necessitudo* cf. de imp. Pomp. § 4 *pro necessitudine quae mihi est cum illo ordine,* div. in Caec. § 6 *si mihi cum Siculis causa tantae necessitudinis non intercederet,* or. p. Sest. § 39 *M. Crassus, quocum mihi omnes erant amicitiae necessitudines.*

l. 5. **vicinitatis, patris amicitiae**] § 25 l. 30 *quia familiaris esset meus, quia vicinus, quia huius parente plurimum essem usus.* 'Erat enim Cicero Arpinas finitumus Atinatibus, e quorum praefectura Plancius erat oriundus.' W.

l. 6. **vererer**]=vereri debebam; auct. ad Her. IV § 34 *quid me facere convenit? an dimicarem? sederem in castris?*, Att. II 1 § 3 *eisdem ex libris perspicies quae dixerim, aut ne poposcisses*, i.e. 'else you ought not to have asked me.' This *coniunctivus iussivus* is common in Plautus and Terence, but only in the imperfect, not in the pluperfect. See Landgraf on Cic. *or. p. Rosc. Am.* § 72 p. 272—3, who remarks also in his review of my ed. in the *Jahresbericht über Cicero* 1883 p. 55 that *ne* is the only negative used by Cic., whereas Plautus and Terence use *non*, with this mood.

credo] ironical, as above § 38 l. 1, § 54 l. 14. It is often found in combination with *vereri etc.*, or. in Verr. II 1 § 31 *haec ego si non vidissem—credo, si meis horis in accusando uti voluissem, vererer, ne mihi crimina non suppeterent*, or. in Rull. I § 24 *verendum, credo, nobis erit, ne nostra illa praeclara lex agraria magis popularis esse videatur*, ib. § 25 *pertimescam, credo, ne mihi non liceat contra vos in contione consistere*, or. in Cat. I § 5 *si te eam, Catilina, interfici iussero, credo, erit verendum mihi, ne non potius hoc omnes boni serius a me, quam quisquam crudelius factum dicat.*

hoc splendore hominem] 'so highly distinguished a man,' the ablative of quality or descriptive ablative, § 22 l. 31, Madv. Gr. § 272, Zumpt Gr. § 471, Kenn. Gr. p. 399, note on § 30 l. 32 above.

l. 7. **videlicet**] 'one may see,' 'no doubt,' ironical, Zumpt Gr. § 345.

fingenda mihi fuit—ut......dicerem] 'I must, forsooth, invent a very clever excuse for doing so, and pretend that I owe everything to the man, who must necessarily be under an obligation to me (i.e. as his advocate).' 'That' he continues 'is contrary to the principles on which most people act, who, so far from pretending to have received a benefit when they have done so, rather shrink from acknowledging their real obligations (*onus beneficii reformidant*).' The clause *ut—dicerem* is here definitive or explanatory of the *causa*, just as in the next clause *id faciunt* is explained by *ut—dent*. On *fingenda fuit* see Kenn. Gr. p. 336, 486.

l. 9. **at id etiam gregarii milites faciunt inviti ut—fateantur**] inductionem sollertissime facit ex iis militibus, qui protecti a commilitonibus suis veluti testimonium gratiae referant, iisdem coronam civicam dando. Et mire extenuavit, gregarium militem dicendo invitum hoc facere, ut offerens coronam civicam debitorem beneficii se constituat. Quod igitur anxie et moleste gregarius miles patitur, id, nullis acceptis beneficiis, onus verecundiae suae non imponeret vir consularis. SCHOL. AMBROS. Translate: 'why on the contrary even common soldiers, when they present any one with a civic crown in acknowledgment of their life having been saved by him, do so unwillingly—not

because it is a disgrace to have been rescued from an enemy on the field of battle—this can only happen to a brave man fighting in close combat—but they shrink from the charge of being under as great an obligation to a stranger as to a parent.' Observe that the emphatic word in the primary clause is *inviti*, to which the subordinate clause, containing the conceivable but not real reason, is to be referred.

l. 10. coronam civicam] Aul. Gell. N. A. V 6, 1 *militares coronae multifariae sunt. Quarum quae nobilissimae sunt, has ferme esse accepimus: 'triumphalem, obsidionalem, civicam, muralem, castrensem, navalem'.* ‖ *Civica corona appellatur, quam civis civi, a quo in proelio servatus est, testem vitae salutisque perceptae dat. Ea fit e fronde quernea, quoniam cibus victusque antiquissimus quercus capi solitus; fuit etiam ex ilice, quod genus superiori proximum est.—Massurius autem Sabinus in undecimo libro Memorialium civicam coronam tum dari solitam dicit, cum is, qui civem servaverat, eodem tempore etiam hostem occiderat, neque locum in ea pugna reliquerat; aliter ius civicae coronae negat concessum.—Hac corona civica L. Gellius in senatu Ciceronem cons. donari a rep. censuit, quod eius opera atrocissima illa Catilinae coniuratio detecta vindicataque.*

l. 11. protectum] sc. scuto, literally, not metaphorically.

non quo—sed] gives the reason for the *inviti*. Cf. or p. Sest. § 61 *non quo periculum suum non videret, sed in tanta rei p. tempestate nihil sibi nisi de patriae periculis cogitandum putabat*, Ac. p. II § 37 *nunc de adsensione...pauca dicemus, non quo non latus locus sit, sed paulo ante iacta sunt fundamenta*, de orat. I § 23, § 84, de fin. IV § 2, Jordan on or. p. Caec. § 56 p. 235.

l. 13. onus beneficii] 'the charge which a benefit received imposes upon you,' the genitive of possession or relation, cf. § 78 l. 23, Nägelsb. lat. Stil. 100 p. 275, § 74 l. 2 *officii servitutem*, cf. div. in Caec. § 46 *sortis religionem*, § 61 *coniunctionem sortis*, or. p. Mur. § 73, p. Planc. § 25 l. 28 *officium necessitudinis* 'the service demanded by his close connexion,' or. p. Sest. § 10 *officium vicinitatis*, Verr. I § 11 *sortis necessitudinem*, § 54 *oblivionem diuturnitatis*, i.e. 'the oblivion which lapse of time brings,' or. p. Mur. § 1 *comitiorum precatio*.

§ 73, l. 15. cum—dissimulent] subjunctive because *cum* is adversative, 'while,' 'whereas,' denoting a logical contrast with the principal sentence, cf. § 76 l. 23. Translate: 'while others conceal (endeavour to hide their sense of) even less benefits actually received for fear of seeming to be under an obligation, should I pretend to be beholden to another for a service such as I do not think can be adequately repaid with gratitude?'

l. 17. an] § 53 l. 32 note. **hoc]** sc. ceteros beneficii onus reformidare vel vera beneficia dissimulare.

l. 19. periculum vitae tuae mecum sociare] 'to risk your life for me,' cf. Tibull. III 3, 7 *tecum ut longae sociarem gaudia vitae.* On

the warm interest taken by Lat. in Cicero's recall from exile see § 2, § 5, § 86, Intr. § 5.

l. 20. **luctu atque discessu** = luctu ex discessu concepto.

l. 21. **animo corpore copiis prosecutus esses**] 'supported me, put yourself at my service, with your mind, body and substance.' Cf. Verr. II 3 § 94 *equitem Romanum beneficiis ac liberalitate prosequebantur.*

l. 23. **sic mecum semper egisti, te mihi remittere atque concedere**] 'always talked with me to this effect, that you gladly gave me full permission to spend etc.' Nägelsb. lat. Stil. p. 221 shows how frequently the Latins supply the place of an adverb by two synonymous verbs. The verbs *remittere* and *concedere* are frequently combined, e.g. Verr. II 5 § 22 *omnia tibi ista concedam atque remittam*, or. p. Sull. § 47 *noli id a me putare esse amissum siquid est tibi remissum atque concessum*, or. Phil. VIII § 16 *si quid remissum aut concessum sit.* Cf. or. p. Arch. § 4 *tribui concedique*, where Mr Reid observes that the second word presupposes opposition on the part of the person granting the request before he signifies his permission, or. p. Balbo § 9 *tribui et concedi*, Verr. II 1 § 32 *date atque concedite*, ib. 3 § 194 *concedo et largior.* For other instances of statements repeated in different terms see § 13 l. 5, § 79 l. 2.

l. 24. **in Cn. Planci honore**] 'in the matter of Plancius' preferment,' as Bake rightly explains it ad legg. p. 529, cum de Plancii honore agebatur, comparing § 23 and § 24; so or. p. Sest. § 31 *cum omnem vim sui tribunatus in mea salute consumpserit.*

§ 74, l. 26. **nihil novi**] cf. above § 55 l. 29 n, Hor. Od. I 3, 37 *nil mortalibus ardui est.*

temporis causa] § 72 l. 33.

l. 27. **oratio**] There exists under Cicero's name a speech *post reditum in senatu* in which we find (c. 14 § 35) the following passage: *cuius mei sensus certissimus testis est hic idem, qui custos capitis fuit, Cn. Plancius, qui omnibus provincialibus ornamentis commodisque depositis, totam suam quaesturam in me sustentando et conservando collocavit. Qui, si mihi quaestor imperatori fuisset, in filii loco fuisset: nunc certe erit in parentis, cum fuerit*†*quaestor non imperi sed doloris mei.*

l. 31. **nostrae causae duces**] Cf. c. 8—c. 14, § 19—23, § 25—28, § 29—30 of the speech referred to above, where the tribunes of the commons, the praetors and consuls of the year 57, Pompey and Milo and Sestius and finally Plancius are mentioned.

quasi signiferi] 'standard-bearers,' met. for 'chiefs,' 'heads,' cf. or. p. Mur. § 50 *qui esset futurus dux et signifer calamitosorum*, or. p. Sull. § 34 *cum princeps, cum auctor, cum signifer esset iuventutis*, ep. ad Att. II 1 § 7 *equitatus ille, quem ego in clivo Capitolino te signifero ac principe collocaram.*

l. 33. dicta de scripto est] 'was delivered from MS.' Cicero reminds the court of this in order to obviate the objection that what he had said of Plancius in that oration was a supplement added since *temporis causa*. On the custom of delivering written orations cf. or. p. Sest. § 129, or. Phil. X § 5, de orat. I § 152, ep. ad fam. X 13, 1.

homo astutus] ironically.

P. 31, l. 1. ei me dedebam, cui] 'I devoted myself to one to whom etc.' Cf. de leg. II § 5 *pro qua* (patria) *mori et cui nos totos dedere debemus*, de rep. II § 1 *cui* (Catoni) *me totum ab adulescentia dedidi*. *Deberem* is consecutive subjunctive with *cui*.

l. 2. servitutem adstringebam=me servitute astringebam: so *astringere periurium, fidem* stands for *astringere aliquem periurio, se fide* in de off. III 111, 113. Translate: 'I sealed (lit. bound tighter) my obligation for this great service by a testimony which should last for ever.' For the genitive *officii* cf. n. to § 72 l. 5; and for the meaning of *astringebam*, or. p. Quinct. § 19 *disciplinam lege astringere*.

l. 3. nolo cetera—recitare] suffecerat enim de ea oratione dixisse, qua vel senatui vel populo gratias egit. Nunc autem et de versibus suis facere mentionem videtur, quos intempestivum sit in iudiciali dissertatione recitare. Non potuit tamen in totum de is tacere. Nam de consulatu suo scripsit poetico metro, quae mihi videntur opera minus digna talis viri nomine. SCHOL. BOB. Cicero wrote memoirs of his consulship in Greek Prose in B.C. 60 (ep. ad Att. I 19 § 10 *commentarium consulatus mei Graece compositum misi ad te*) and a Latin poem on the same theme in three parts, a fragment of the second of which, consisting of 78 hexameters, is quoted in de div. I c. 11: also what was probably a continuation of this in three Books *de temporibus suis* to which he refers in ep. ad fam. I 9 § 23 *scripsi etiam versibus tres libros de temporibus meis, quos iam pridem ad te misissem, si esse edendos putassem—sunt enim testes et erunt sempiterni meritorum erga me tuorum meaeque pietatis—, sed, quia verebar non eos, qui se laesos arbitrarentur—etenim id feci parce et molliter—, sed eos, quos erat infinitum bene de me meritos omnis nominare * *; quos tamen ipsos libros, si quem, cui recte committam, invenero, curabo ad te perferendos*. They contained an account of his sufferings, his exile and recall. Two lines only remain (Quint. XI 1 § 24 and IX 4 § 41), the famous *cedant arma togae, concedat laurea laudi* and *o fortunatam natam me consule Romam*.

l. 4. ad tempus] 'for the occasion,' 'for the nonce,' ep. ad fam. X 9, 3 *ad tempus consilium capiam*, Liv. XXVIII 42, 5 *dux militari suffragio ad tempus lectus*, III 64, 4 *forte quadam utili ad tempus*, Cic. de am. § 53. Cf. *temporis causa*, § 72 l. 33, § 74 l. 26.

CHAPTER XXXI

§ 75, l. 7. clamitas] 'you declaim,' § 38 l. 4, a slur upon Laterensis' style of speaking, cf. de or. II 20 § 86, III 21 § 81, *clamatores odiosi et molesti*, Brut. § 182 *ut intellegi possit, quem existimem clamatorem, quem oratorem.*

quo usque ista dicis] reorum in te merita commemorando iudices commovere studes, ut ea propter reos absolvant. W.

l. 8. nihil in Cispio profecisti] 'you derived no advantage from talking in this way in the case of Cispius.' M. Cispius was tribune of the plebs in B.C. 57, the year of Cicero's restoration from exile, when he took an active part in Cicero's favour, and on one occasion risked his life (or. p. Sest. § 76) for him. In return for these services he was defended by Cic. when prosecuted for *ambitus*, but convicted in spite of his advocate's eloquence and tears. Cf. or. p. red. in S. § 21 *quid* M. Cispius? *cui ego ipsi, parenti fratrique eius sentio quantum debeam: qui, cum a me voluntas eorum in privato iudicio esset offensa, publici mei beneficii memoria privatam offensionem oblitterarunt.*

obsoletae] 'worn out,' 'no longer of use.'

l. 9. quem—defendi] 'whose defence I undertook by your persuasion, just as it was from your testimony that I found out he had deserved so well of me.' On *eodem* cf. § 54 l. 14, de off. I § 63, § 84, and see Kenn. Gr. p. 285, Madv. Gr. § 488.

l. 10. meritum] sc. esse.

l. 11. et ei dices cet.] 'and am I the man whom you will address with the taunt *quo usque*,—I, whose exertions on Cispius' behalf were, you say, unavailing?' **ei** = mihi tali, and therefore *contenderim* not *contenderit* is the correct reading, adopted by C. F. W. Müller.

l. 12. nam istius verbi cet.] "for the import of your invidious remark 'how much longer' possibly might be this: 'One man has been given up to you; another has been pardoned out of regard to you (spared for your sake); there is no end (to your begging off friends), we cannot put up with it any longer. For when a man has exerted himself for one person in particular and has failed to obtain the very object of his exertions, to have said to him 'How much longer?' this looks more like ridicule than rebuke." The syllogism is: ei dici potest 'Quousque' qui obtinuit. At ego non obtinui. Mihi igitur dici non potest 'Quousque.' But, as Long observes, Laterensis did not mean this. He meant to say: 'How long will you continue this kind of defence, when you see that it does no good to your clients?" The SCHOL. AMBROS. have the following note: '—unde quo minus impudens videretur haec compensativa defensio, dicente Laterense, quousque vis servatos esse quos diligis? et pro Cispio causam dicente sic rogasti et precibus tuis ambitum paene movisti, opposuit acutissimam responsionem merito haec ab eo dici potuisse, si pro illo impetrasset.

Porro autem cum pro Cispio non obtinuerit, vel pro hoc optinere debere, qui et innocens sit et de salutis suae conservatione bene meritus. Animadverte, quo modestiae temperamento haec exsequatur, ut nihil inpudentiae, multum religionis habeat oratio.'

l. 13. tibi...condonatus] 'pardoned out of regard to you,' or. p. Cluent. § 109 *non sibi ac defensioni suae condonatum esse Oppianicum*, Vatinius ap. Cic. ad fam. V 10 a § 2 *meam animadversionem et supplicium, quo usurus eram in eum quem cepissem, remitto tibi et condono*, or. p. Ligar. § 36 *tres fratres...reip. condonaveris.*

l. 14. ei quidem, qui pro uno laborarit] *quidem* is here adversative 'however,' cf. or. p. Sest. § 15 *intentus est arcus in me unum, sicut volgo loquebantur, re quidem in rempublicam*, ib. § 16, § 64, or. in Verr. II 4 § 72 *hoc translatum Carthaginem locum tantum hominesque mutarat, religionem quidem pristinam conservabat*, ib. V § 63, Nägelsb. lat. St. p. 542 § 195 c.

l. 15. id ipsum non obtinuerit] for omission of *sed* in the adversative clause cf. § 63 l. 9 and see Reid or. p. Arch. § 3 l. 8.

l. 16. nisi forte] introduces an objection presumed to be absurd, § 23 l. 2 n, § 71 l. 23.

l. 17. his] sc. iudicibus.

l. 19. solus ut a te constituar] the *ut* clause explains *ita—ita—eis—is.* Translate: 'that I am to be set up, designated, by you as the only man who ought never to get any favour from the iudices.'

§ 76, l. 20. lacrimulam Cispiani iudicii] 'my poor little tear at the trial of Cispius.' *lacrimula* is an ironical diminutive, conveying contempt, used to express 'a false (Cat. LXVI 16), forced (*coacta* Verg. Aen. II 196) tear.' Cf. *togula* (ep. ad Att. I 18, 6, *uocula* ib. II 23, 1). See n. to de off. I § 41, III § 73, § 89. 'Laterensis in Tullium dixerat epilogos eius inridens, quos eum constat nimium flebiles et miserationis plenos in indiciis semper habuisse. Et in oratore suo (c.xxxvii—c.xxxviii) eandem affectuum movendorum sibi praestantiam vindicavit. Ac ne haec laenocinia potius adhibere fallendis iudicibus, quam vere secundum animi sui motum facere existimetur, adseverat Cispium hoc suae orationis adfectu non indignum fuisse, cum quo (is?) post amicitiae reconciliationem ita participatu fortunae suae dolorem senserit, ut impense diligi mereretur.' SCHOL. BOB.

l. 21. vide quam me tui verbi paeniteat] "mark how dissatisfied I am with your expression 'lacrimula,'" cf. § 82 l. 2 *vehementer me vitae meae paeniteret*, ep. ad Att. II 1 § 3 *a senatu quanti fiam minime me paenitet.*

l. 23. fletum cum singultu] Nägelsb. lat. St. quotes this passage to illustrate the difference between the Latin and modern languages in individualising conceptions; thus we should here speak of 'emotion' 'sympathy' generally rather than the outward manifestation of it.

an ego cet.] see n. to § 53 l. 32.

qui] sc. M. Cispius. The subjunctives are used because the sentence, introduced by *qui*, expresses an idea contrasted with that of the preceding clause. See Zumpt Gr. § 556 and cf. § 73 l. 15.

l. 26. **putarant**] 'had expected him to be.'

l. 27. **significarem**]=significare debebam: cf. n. to § 72 l. 5, or. p. Sull. § 92 *quid de me populus Romanus existimaret, laboravi*, or. p. Mil. § 3 *ut vobis voce praeirent, quid indicaretis*, n. to de off. III § 88 l. 4.

l. 29. **invidiosas videri**] 'to be regarded as odious.'

CHAPTER XXXII

§ 77, l. 30. **tribunatum Planci**]=Plancium, cum tribunus esset.

quicquam—adiumenti] § 55 l. 29 n.

l. 31. **quod—facere potes**] § 2 l. 2 n.

l. 32. **L. Racili**] Lucius Racilius was a warm supporter of Cicero. He was tribune of the plebs in B.C. 57 = A.U.C. 697, with Cn. Plancius as his colleague. He took part in the disorders which arose when Clodius, accused by Milo *de vi*, sought to get rid of the charge by becoming a candidate for the aedileship. The question was debated in the senate, and in the forum sought to be decided by open force, whether the trial should come on first or the election of aediles, or *vice versa*. Milo had now retired into private life: the consuls were gone to their provinces; P. Rutilius Lupus, a tribune of the people, summoned a meeting of the senate: only about 200 members attended. Racilius renewed the debate about Milo's impeachment of Clodius, and called upon Lentulus Marcellinus the consul designate to give his opinion upon it: who proposed that in the first place an allotment of judices should be made for the trial and after that the election of aediles, and that if any one attempted to hinder the trial, he should be deemed a public enemy. The tribunes C. Cato and C. Cassius spoke against it, and were for proceeding to an election before any step towards a trial. L. Philippus, the other consul elect, was of the same mind as his colleague, and Cic. being called upon to speak denounced Clodius; he was followed by others. Clodius began to speak with the intention of wasting the rest of the day (*diem dicendo eximere coepit*); the rabble of his followers outside expressed their opinions so loudly, that the senate broke up in a hurry. In the civil war Racilius espoused Caesar's party and was with his army in Spain in B.C. 48. There he entered into the conspiracy formed against the life of Q. Cassius Longinus, the governor of that province, by whom he was put to death with the rest of the conspirators (*Bell. Alex.* 52, 55).

There is a letter of Cicero to his brother (II 1) in which he gives an account of these turbulent proceedings in the senate in December B.C. 57, and concludes it by saying: *de tribunis pl. longe optimum Racilium habemus: videtur etiam Antistius amicus nobis fore; nam Plancius totus noster est.*

P. 32, l. 2. prae me feram] 'I shall profess:' *praeferam*, the reading of **TE** is retained by some Edd., but, as Landgraf rightly observes, in the three passages (or. p. Rosc. Am. § 87 *avaritiam praefers*, Plancus ap. Cic. Fam. X 8 *cum praeferremus sensus aperte*, de rep. I § 52) quoted in support, the verb is followed by a substant. object, and its use is therefore different from that assumed in the present passage.

l. 3. vitae dimicationes] 'contests for life,' 'perilous contests,' a sort of objective genitive, cf. § 31 l. 16 *in dimicatione fortunarum*, or. de prov. cons. § 23 *dimicatione capitis*, or. p. Balbo § 23, or. p. Sull. § 77 *in extremo discrimine ac dimicatione fortunae*, or. p. Rab. perd. § 5 *in tanta dimicatione capitis, famae fortunarumque omnium*, see n. to Cic. de off. I § 87 l. 30, II § 97 l. 23.

l. 4. utinam—licuisset per hominum vim—referre] 'would that the Roman people had not been prevented by the lawless use of violence by certain parties from making a return for his services to me proportionate to the gratitude I feel to him for them.' On this use of *per* 'as far as concerns,' 'without hindrance from,' with *licet*, see my n. to de off. III § 33 l. 19. 'The allusion' says Long 'seems to be to Racilius having failed in some candidateship through disturbance at the election. Garatoni conjectures that it might be the elections of B.C. 55 in the consulship of Pompeius and Crassus.'

l. 7. eadem contendit] cf. or. in Verr. II 2 § 52 *ne omnia contendamus*, or. p. Sest. § 105 *hi suffragiis quod contenderant consequebantur*, Varro ap. Non. p. 259 *et petere imperium populi et contendere honores*, Caesar B. G. I 31, *id contendere et laborare ne ea cet.*

l. 8. sed me—Racili beneficiis fuisse contentum] extenuaturus merita Cn. Planci, quae intulisse in M. Tullium videretur, de L. etiam Racilio quaedam Laterensis commemoraverat, qui magis adiumento Ciceroni fuisse videbatur, cum Plancius in tribunatu suo non tantopere sit pro eiusdem restitutione conisus. Ne hoc igitur ei deesset ad gratiam, confitetur, animo promtissimo etiam hunc Plancium erga restitutionem suam fuisse. Sed quoniam omnia per Racilium videbantur impleta, non expetisse se dicit, ut etiam ille ex superfluo laboraret, qui tantum sibi in quaestura Macedonica praestitisset. Extat autem libellus eiusdem Ciceronis, qui ita inscribitur EDICTUM LUCII RACILI TRIBUNI PLEBI, quod sub nomine ipsius Cicero inscripsit in invectionem P. Clodi. SCHOL. AMBROS.

§ 78, l. 9. an vero] § 41 l. 32.

l. 10. idcirco—quod me esse gratum crimineris] quod mihi crimini vertas, quod gratus sim, id est, quod neges me gratum in Plancium esse oportere. W.

l. 11. **an—putem**] pure conjunctive of the modified question, §§ 33, 40, 43, Kenn. Gr. p. 339.

cum—egerint] § 73 l. 15 n.

illo senatus consulto—quo mea salus omnibus est gentibus commendata] cf. or. p. Sest. § 128 *quem enim umquam senatus civem nisi me nationibus exteris commendavit? cuius umquam propter salutem nisi meam senatus publice sociis populi Romani gratias egit?*

l. 12. **in monimento Mari**] in templo scilicet Honoris et Virtutis, in quo actum primum videtur de restitutione Ciceronis. SCHOL. BOB. Cf. or. p. Sest. § 116 *semel se ludis homo popularis* (Clodius) *commisit omnino, cum in templo* [*Honoris*] *Virtutis honos habitus esset virtuti, Gaique Mari, conservatoris huius imperii, monumentum municipi eius et rei publicae defensori sedem ad salutem praebuisset*, i.e. cum excepit eos qui de Ciceronis salute decreverunt. It appears to have been the custom for the senate during the celebration of the public games to meet in some building near the place where they were held, cf. Appian bell. civ. II 115 θέαι δ' ἦσαν ἐν τῷ Πομπηίου θεάτρῳ, καὶ βουλευτήριον ἔμελλε τῶν τις περὶ αὐτὸ οἴκων ἔσεσθαι, εἰωθὸς ἐπὶ ταῖς θέαις ὧδε γίγνεσθαι.

l. 13. **uni Cn. Plancio**] by implication, because the decree thanked the magistrates, of whom he was the only one.

l. 15. **gratias agendas**] the plural of *gratia* is always used with *agere* of 'returning thanks,' but the singular generally with *referre* just as with *habere*, *debere*.

l. 16. **putavit**] why not *putaret*? See Madvig Gr. § 362.

a me referendam gratiam] the use of the ablative with *a* instead of the dative of the agent with the gerundive is found when there is already a dative depending on the gerundive in another relation: [cf. or. de imp. Cn. Pomp. § 6 *quibus est a vobis et ipsorum et rei publicae causa consulendum*, ep. ad fam. III 11 § 3 *de mercenariis testibus a suis civitatibus notandis*, XII 22 § 3 *de provinciis ab iis qui obtinerent retinendis*. J. E. B. M.] but this is not always the case, see e.g. or. de imp. Cn. Pomp. § 64 *et sibi et ceteris populi Romani auctoritati parendum esse fateantur*. Cf. Acta Seminarii philol. Erlang. II p. 73.

l. 17. **haec cum vides**] = cum vides, quam gratus in Plancium sim, quem negas salutis aut dignitatis meae valde studiosum fuisse, quo tandem in te animo me putas esse, qui tam egregie de me sis meritus. W.

l. 19. **non modo**] 'not exactly,' 'I do not say,' (= *non dicam* below, § 81 l. 19, where, as in or. p. Sest. § 108, we have both expressions in the same sentence), implying that the first clause contains too much, and that we must abide by the second and more limited one, cf. or. in Verr. II 4 § 90 *tu ista nequitia...non modo totius Siciliae sed unius tenuissimi Siculi clientelam tueri potes?* and see Roby Gr. II 1657, 2240, Madv. Gr. § 461 *obs.* 2, Zumpt Gr. § 724. See Addenda.

l. 20. **defugerim**] So La Hf with **TE**. The common reading is *defugerem*, conditional, i.e. si mihi subeundum esset pro salute Laterensis, as Wunder explains it; Müller retains this reading.

quo quidem—gratus videri] 'and for this reason in fact I am all the more, I won't say wretched—for that is a term incompatible with virtue—but, to say the least, perplexed, not because I am under obligation to many persons—for gratitude is but a light burden imposed by an act of kindness—but because there frequently falls out at the same time such a personal competition of interests between different parties themselves, who have done me good service, that I fear I can scarcely be regarded as grateful to all at the same time.'

l. 21. **miser—nam hoc quidem abhorret a v. v.**] § 78. This was a doctrine of the Stoics: Paradox. II § 19 *ut improbo et stulto et inerti nemini bene esse potest, sic bonus vir et sapiens et fortis miser esse nemo potest.* There is a note on this passage in the Scholia Ambrosiana: 'Hanc sententiam secundum illos philosophos intulit, qui existimaverunt semper beatos esse sapientis, numquam miseros existimandos; ac siquid adversi prudentibus eveniret, non poenam magis et calamitatem, quam exercitationem esse fortunae.' On *abhorrere a* cf. § 58 l. 2, or. p. Sest. § 132 *mitem hominem et a caede abhorrentem.*

l. 22. **exercitus**] 'vexed,' 'troubled,' cf. or. p. Mil. § 5 *quid nobis duobus, iudices, laboriosius? quid magis sollicitum, magis exercitum dici potest?*, ep. ad Att. II 11, 2 *scito nihil tam exercitum esse nunc Romae quam candidatos omnibus iniquitatibus*, Hor. Ep. I. 11, 28 *strenua nos exercet inertia*, Od. IV 14, 21 *indomitas prope qualis undas exercet Auster*, Cic. ep. ad fam. XII 4 *nunc me reliquiae vestrae exercent.*

l. 23. **onus beneficii**] see n. to § 72 l. 13.

l. 24. **concurrunt**] de off. I § 45 *quae ut concurrant omnia optabile est*, de fin. V § 28 *res enim concurrent contrariae*, de div. II § 141 *nisi ista casu nonnumquam, forte, temere concurrerent.*

l. 25. **inter ipsos**] 'amongst each other;' inter ipsos in Cicero is always preceded by a case, dependent on some noun which admits the notion of reciprocity, Kenn. Gr. p. 495, cf. de off. I § 51, ep. ad Att. II 7 § 3 *una spes est salutis istorum inter ipsos dissensio*, Quintil. VIII 6, 1 *inexplicabilis grammaticis inter ipsos et philosophi pugna est*, de legg. I § 16 *hominum naturalis societas inter ipsos.*

ut—in omnis verear ne—videri] i.e. ut verear ne vix possim gratus videri in omnis: for the order of the words cf. de divin. II § 80 *quae est igitur natura, quae volucris huc et illuc passim vagantis efficiat ut significent aliquid* (where Kayser is wrong in making *volucris* the object of *efficiat* after the well-known Greek idiom), de fin. V § 16 *quod* (beate vivere) *quoniam in quo sit magna dissensio est.*

§ 79, l. 27. meis ponderibus examinabo] 'I shall weigh them in my own scale,' lit. 'with my own weights.' *Examinare* is from *examen* (*ex*, *ago*), 'the tongue of a balance' (*trutina*), 'the index of a steel-yard,' hence the phrase *paribus examinatus ponderibus* 'in a state of equilibrium,' Tusc. I § 43. Cf. Verg. Aen. XII 725, Pers. Sat. I 6 *examenque improbum in illa castiges trutina*, 'correct the lying tongue in that balance of theirs.'

l. 29. tempus] 'exigency,' cf. § 1 l. 5, § 4 l. 27, § 30 l. 30.

CHAPTER XXXIII

agitur studium tuum] 'you are concerned about nothing more than a triumph over Plancius, or if you insist upon it—about something greater—your public reputation and the credit of being an aedile: Plancius on the other hand is in danger of losing his civil status, his country, his fortune.' By *studium tuum* is meant as Wunder expresses it 'vehemens Laterensis cupiditas vincendi in foro eum, a quo in campo victus est' and by *agitur studium tuum* 'expletur studium tuum, si Planci caussam deserens ego tecum efficio ut condempnetur, aut non expletur, si Planci causam agens efficio ut absolvatur.' By *agitur existimatio tua* is meant 'amittis bonam de te famam, si absolvitur Plancius, aut retines, si condempnatur.'

l. 30. si vis] cf. de fin. II § 14 *hanc quoque iucunditatem, si vis, transfer in animum*, II § 89 *in voluptate corporis* (*addam, si vis, animi*), de div. II § 34 *concedam hoc ipsum, si vis*.

laus aedilitatis] according to Garatoni and Orelli this is an appropriate expression, because, if Plancius were convicted of bribery, Laterensis would succeed to the aedileship. Wunder however objects that there is no evidence to support such an opinion: he omits *aedilitatis*.

l. 32. distineor et divellor] 'I find myself in a painful state of distraction,' Germ. *ich befinde mich in einem schmerzlichen Zwiespalte*, as it is rendered by Nägelsb. lat. St. p. 221, see n. to § 73 l. 23. Cf. § 102 *divellat ac distrahat*, or. p. Sull. § 59 *divelli ac distrahi*, de fin. II § 50 *nec divelli nec distrahi*.

l. 33. in causa dispari] 'in a case of such disparity,' because Plancius had everything to lose by conviction, Laterensis nothing to incur but the disappointment of his *studium*, cf. de off. II § 61 l. 8.

me dius fidius] § 9 l. 17.

P. 33, l. 1. citius]=potius, 'sooner,' 'rather,' de off. I § 59 l. 19, Liv. 5, 24, 9; 24, 3, 12; 35, 31, 16.

abiecero—tradidero] future perfects, having the meaning of a quickly completed future action without any express relation to another action, Zumpt Gr. § 511, Madvig Gr. § 340.

l. 2. **tradidero contentioni tuae**] 'sacrifice to a comparison with you,' § 5 l. 7 n. On the use of the possessive pronoun as an attribute for the genitive of the remoter object see Roby Gr. II 1318.

§ **80**, l. 2. **etenim cet.**] hoc dicit: Laterensis levia incommoda esse, si vincatur, Planci gravissima, qui dampnatus salutem, patriam et fortunas perdat. Huius igitur, a quo ipse servatus sit, non posse salutem a se deseri, nisi si homo sit ingratissimus. W.

l. 3. **me adfectum esse cupio**] for the construction see my note to de off. I § 65 l. 19, Zumpt Gr. § 610, Madv. Gr. § 389 *obs.* 4, Roby Gr. II 1351.

l. 4. **malim—me esse**] cf. § 13 l. 2.

haec una virtus] sc. gratitude, implied in preceding *gratus*.

l. 6. **pietas**] dutiful conduct towards (1) the gods, (2) parents, relatives, country, (3) benefactors, (1) de nat. deor. I § 116 *est enim pietas iustitia adversus deos*, ib. § 4 *pietate adversus deos sublata fides etiam et iustitia tollitur*, (2) § 29 l. 14, de inv. II § 66 *pietatem* (*appellant*), *quae erga patriam aut parentes aut alios sanguine coniunctos officium conservare moneat*, de rep. VI 3 § 16 *iustitiam cole et pietatem, quae cum sit magna in parentibus et propinquis, tum in patria maxima est*, (3) ep. ad fam. I 1 § 1 *ego omni officio ac potius pietate erga te ceteris satisfacio omnibus*, 9 § 1 *meam in te pietatem, quid enim dicam benevolentiam, cum illud ipsum gravissimum et sanctissimum nomen pietatis levius mihi meritis erga me tuis esse videatur*, VI 20 § 3 *hic omnes summa pietate te desiderant.*

l. 7. **belli—domi**] see n. on de off. II § 16 l. 10, Zumpt Gr. § 400.

l. 9. **religionum colentes**] On the genitive after present active participles when they are used as simple adjectives see Madv. Gr. § 289 a, Zumpt Gr. § 438, Kenn. Gr. p. 421, and cf. § 55 l. 1 note, de am. § 50 *nihil est appetentius similium sui quam natura*, Virg. Aen. 2, 427 *servantissimus aequi.*

l. 10. **memori mente**] a poetical expression, since in prose writers *memor* is only used of persons.

§ **81**, l. 13. **educatores**] 'his foster-fathers,' de nat. deor. II § 86 *omnium rerum, quae natura administrantur, seminator et sator et parens, ut ita dicam, atque educator.*

l. 14. **locus—mutus**] *mutus* is that which cannot speak; *tacitus* is that which does not speak, cf. or. in Cat. III § 10 *imago avi tui—te a tanto scelere etiam muta revocare debuit.*

l. 15. **alitus**] according to Wunder *altus* and not *alitus* is the correct form of the part. of *alo*, see Neue Formenl. II² p. 555.

l. 17. **quae**]=ut eae, consecutive. **stare**]=consistere, Gr. ὀρθοῦσθαι, 'hold out,' 'subsist,' 'remain unshaken,' see n. to § 71 l. 25.

quae—nulla exstare possunt] 'but these services cannot be rendered if you do away with memory and gratitude,' that is if benefactors are

led to suppose that they will be forgotten or unrequited. For *exstare* cp. above § 2 l. 16, de am. § 24 *si quando aliquod officium exstitit amici*, and on the use of *nullus* for *non* cf. de off. I § 35 l. 20, II § 3 l. 8, III § 48 l. 2.

l. 19. **non modo—sed etiam**] n. to § 78 l. 19. 'When the transition from greater to lesser things is to be expressed, we usually find *non modo—sed*, without the *etiam*, or. de l. Man. § 66, or. p. Sest. § 45.' Zumpt Gr. § 724. Cf. de div. I § 124 *non modo plura sed etiam pauciora*, de legg. I § 41 *o rem dignam, in qua non modo docti sed etiam agrestes erubescant*, de off. III § 19, or. p. Mil. § 8 *non solum divinae sed etiam sapientissimae deae sententia liberatum*, Qu. Cic. de pet. cons. § 44, *homines non modo promitti sibi—sed etiam large atque honorifice promitti volunt*, but Paradox. § 36 *ego vero istum non modo servum sed nequissimum servum—appellandum puto*.

l. 20. **significatione**] = vel levissimo signo, tenui iudicio, 'intimation,' 'token,' de off. I § 46, de am. § 48.

adligari] i. q. obligari, devinciri, 'to be laid under obligation.'

l. 21. **inhumanum—immane—ferum**] a climax, *inhumanus* means 'rude,' 'ill-bred,' 'uncouth,' and is frequently joined with *agrestis* as de off. I § 130, ep. ad Att. XII 46 *exculto enim in animo nihil agreste, nihil inhumanum est: ferus* and *immanis* are frequently used together, in the sense of 'savage' and 'brutish,' as opp. to *mansuetus* and *mitis*, as in Verr. II 2 § 51, § 109, de nat. deor. II § 161, Tusc. I § 30, de inv. I § 2, de rep. II § 27, or. p. Rosc. Am. § 38 *mores feros immanemque naturam*, or. Philipp. XIII § 21, de off. I § 157, III § 32.

l. 22. **committere ut**] 'to act so that,' 'to put oneself in the position of,' always in a bad sense, cf. § 89 l. 29, and see n. to de off. I § 81 l. 25, II § 50 l. 26, III § 23 l. 12.

victus] 'overpowered, overcome by the magnitude of the service,' so that one does not so much as attempt to requite it. Shakespeare uses no less strong language than Cicero in *Twelfth Night* Act III. sc. 4 l. 388: 'I hate ingratitude more in a man | than lying, vainness, babbling, drunkenness, | or any taint of vice whose strong corruption | inhabits our frail blood.'

§ **82**, l. **24**. **isti tuo crimini**] § 78 l. 10 *quod me esse gratum crimineris*. **in eo ipso**] sc. in gratia referenda.

l. 25. **nimium**] 'excessive,' 'intemperate.'

l. 26. **eum**] i.e. Cicero himself, whom Laterensis wanted the iudices not to trust. **beneficio**] i.e. the acquittal of Plancius. For the expression *complecti beneficio* 'to favour with a service,' cf. or. de prov. cons. § 38 *neminem umquam est hic ordo complexus honoribus et beneficiis suis*, ep. ad fam. VI 14, 1 *quos—summa benevolentia sum complexus*, VII 5, 3 *hunc velim omni tua comitate complectare*.

l. 27. **quod gratum praeter modum dicat esse**] an idiomatic use of the subjunctive of verb of saying instead of thing said after *quod*. See n. on de off. I § 40 l. 18, Madvig Gr. § 357 a obs. 2, Kenn. Gr. p. 459, Zumpt Gr. § 551, Roby Gr. II 1746, Mayor n. to Phil. II § 7 P. 6 l. 6 who compares among other passages ep. ad fam. VII 16 § 3 *qui e Gallia veniunt, superbiam tuam accusant, quod negent te percunctantibus respondere*=quod, ut dicunt, non respondeas.

l. 28. **neque enim illud cet.**] 'what he said to you, for example, ought not to have any weight in inducing you to be indifferent to my gratitude, viz. that you are neither guilty men (likely to run the risk of being tried) nor fond of litigation, which he did to show that there was the less reason for my having influence with you; as though in my friendship I would not much rather let any aids and appliances that I happen to have, be at the service of my friends at all seasons than only when they are wanted.' Laterensis sententia haec fuit: Cicero tantum gratus in eos est, qui eius ope in iudiciis indigent. Non egent autem, nisi qui nocentes aut litigiosi sunt. Qui enim nocens non est, hominum eloquentium defensione parum indiget; qui lubenter non litigat, ei de oratorum gratia laborandum non est. Vos igitur, qui nec nocentes nec litigiosi sitis, gratiam Ciceronis neglegere potestis, cum nulla ei offerri occasio possit, qua gratum in vos animum ostendat. W.

l. 29. **meam gratiam**] 'my gratitude to you,' the gratitude which I shall show in return for your *beneficium*. Laterensis meant that Cicero ought not to have influence with the *iudices*, because the only way in which he could show his gratitude to them would be by helping them as an advocate, and such help they were not likely to require.

l. 30. **quo minus—oporteret**] invidiosa est interpretatio aculei, quo Laterensis eum, illud dicens *vos—non litigiosos esse*, pupugerat; non ipsius adversarii oratio. OR.

l. 31. **quasi vero**] § 61 l. 10 n., de off. III § 39 n.

praesidia] or. de imp. Cn. Pomp. § 70 *praesidia periculis aut adiumenta honoribus*, Hor. Od. II. 1, 13 *insigne maestis praesidium reis*, Iuv. Sat. VII 23 *si qua aliunde putas rerum expectanda tuarum praesidia*.

l. 33. **tantum** means 'just this much and no more,' § 20 l. 6, § 61 l. 15.

P. 34, l. 2. **vehementer vitae meae paeniteret**] 'I should be very much dissatisfied with my life.' On *vehementer* see n. to de off. I § 66, II § 65, § 73 ind. s. v. p. 430, and on the meaning of *paenitet* above § 76 l. 22.

CHAPTER XXXIV

§ **83, l. 4. Sed**] resumptive after digression commencing at § 75, cf. §§ 8, 10, 36, 60.

haec] these charges that my friendship is valueless except for those who are *nocentes* or *litigiosi*.

nescio quo modo] 'I don't know how it is,' 'unfortunately,' see n. to de off. I § 146 l. 5 and add to the exx. there quoted or. Phil. II § 78 l. 27 ed. Mayor: *factus es ei rursus nescio quo modo familiaris.*

l. 5. congessisti] 'you have heaped upon me,' cf. or. p. Mil. § 64 *quae crimina sunt in eum congesta*, Phil. III § 15 *in Caesarem maledicta congessit.* The use of *frequenter* for *saepe* is very rare in Cic.

saneque in eo creber fuisti] 'and you were very full indeed on this point' i.e. you constantly said that etc. Cf. ep. ad Att. I 19 § 1 *in scribendo multo essem crebrior quam tu*, 358 *ne in re nota multus sim*, Hor. Epist. I 1, 11 *omnis in hoc sum.*

te idcirco in ludos causam conicere noluisse ne cet.] Cic. is here meeting irony with irony. Laterensis lays great stress on his reluctance to have the case taken during the *ludi Romani*, because he knew that I should as usual make oratorical capital out of the religious solemnities, as I had done before in defending aediles. He has succeeded in crippling me, for *sine tensis quid potero dicere?*

l. 7. de tensis] The *tensae* were state-cars, upon which the statues of certain gods were carried from the Forum through the Velabrum to the Circ. Max., escorted by the chief senators in robes of state, and after the sports borne back to their shrines, see Verr. II 1 § 154, V § 186 *omnes di, qui vehiculis tensarum sollemnes coetus ludorum initis.*

l. 8. non nihil egisti] 'you have achieved something,' cf. Prop. I 10, 20 *non nihil egit Amor.* '*Nihil agis*' ('it's of no use') legitima formula est de inani opera. Ter. Adelph. V 8, 12 *nihil agis; fieri aliter non potest*, Prop. II 23, 69 *nil agis: insidias in me componis inanes*, Lucan Phars. VII 809 *nil agis hac ira.* Ruhnk. ad Rut. Lup. II 11. Cf. Tusc. II § 61 *nihil agis, dolor*, Verr. II § 148 *nihil egero*, Ep. fam. XI 28, 3 *quae metu nobis extorquere conantur; sed nihil agunt.*

l. 11. mea lege] the *lex Tullia de ambitu*, which inflicted a penalty of ten years' exile, Intr. § 16, or. p. Mur. § 3, § 45, § 89.

l. 12. exsilio ambitum sanxisse] see n. to § 47 l. 8.

miserabiliores epilogos] 'more pathetic perorations' (Hor. Od. I 33, 2 *miserabiles elegos*), such as that in the speech pro Mur. c. 41. Adjectives in *bilis* have sometimes an active meaning, cf. Verr. V § 163 *vox miserabilis*, 'a cry that moves to pity,' de nat. deor. II § 155 *nulla est insatiabilior species*, i.e. 'that never produces satiety,' ib.

§ 98 *insatiabili varietate*, Hor. Od. I 3, 22 *oceano dissociabili*, i.e. qui dissociat, Verg. Aen. X 481 *penetrabile telum*, i.e. quod penetrat; see Munro to Lucr. I v. 11, Nägelsb. lat. Stil. p. 322. We learn from the Brut. § 190 that in cases when there were several counsel engaged, the *peroratio* was left to Cic.: *qui* (Hortensius) *cum partiretur tecum causas, perorandi locum, ubi plurimum pollet oratio, semper tibi relinquebat.*

l. 13. **declamatore**]=rhetore, 'a rhetorician;' the word first came into vogue in this sense in Cicero's time, see Otto Iahn on orat. § 47 *non enim declamatorem aliquem de ludo aut rabulam de foro sed doctissimum et perfectissimum quaerimus*, Brut. § 310 *commentabar declamitans* (*sic enim nunc loquuntur*) *saepe cum M. Pisone et Q. Pompeio aut cum aliquo quotidie*, Tusc. I § 7, ep. ad. fam. XVI 21 § 9, Iuv. XVI 23, Philipp. V § 19 *ipse interea septemdecim dies in Tiburtino Scipionis declamitavit, sitim quaerens; haec enim ei causa esse declamandi solet. Declamare* means to 'speak out aloud,' 'to practise delivery' (de fin. V. § 5 *quo in loco ad fluctum aiunt declamare solitum Demosthenem, ut fremitum assuesceret voce vincere*), also 'to speak in public in a loud, brawling, and blustering way,' § 75 l. 7, and cf. or. p. Rosc. Am. § 82 *quae mihi iste visus est ex alia oratione declamare*, Verr. II 4 § 149 *ille insanus, qui pro isto vehementissime contra me declamasset.* Cicero calls himself in opposition *laboris et fori discipulum* 'a man trained in the toil of the forum,' though Laterensis professes to consider him a mere *declamator.*

§ **84**, l. **14. Rhodi enim, inquit, ego non fui**] et verissime constat in prima adulescentia Rhodum navigasse M. Tullium, ut arte oratoria, in qua insigniter praestitit, erudiretur aput notissimum rhetora et magistrum illius aetatis Apollonium. Hic est qui Molo cognominatus est. SCHOL. BOB. But Strabo distinguishes the two men. On the Rhodian school of oratory, see Blass *die griech. Beredsamkeit*, p. 74 ff, G. Landgraf Introd. to the *Rosciana* p. 121 f.

l. **15. vult**] 'asserts,' 'makes out,' § 19 l. 20, or. p. Cael. § 53.

fui—putabam in Vaccaeis dicturum] 'I have been—I thought he was going to say among the Vaccaei'—i. e. among some people totally ignorant of the art of rhetoric. The Vaccaei were a people of Hispania Tarraconensis on the river Durius, between Zamora and Salamanca. Liv. XXI 5 § 5.

fui bis in Bithynia] non eloquentiae, sed rei militari operam daturus. Cicero, Sulla rem publicam obtinente, venit in Graeciam et Athenis aliquamdiu commoratus inde in Asiam et Rhodum navigavit, ut clarissimos rhetores, qui in iis locis erant, conveniret; praecipue Rhodi Apollonium Molonem excellentissimum dicendi magistrum et Posidonium philosophum audivit. Plutarch. in Cic. c. 4 In Bithynia vero quantum per multos annos bellum fuerit, cum rege Mithridate a Sulla Murena Lucullo gestum, a Pompeio confectum,

omnes historiae testantur, cui bello Laterensem adfuisse probabilest. FERRATIUS

l. 16. reprehensionis ansam aliquam] 'some handle for censure.'

l. 17. Nicaeam] mod. *Ishnik*, the capital of Bithynia according to Strabo XII p. 565, so named by Lysimachus (Plin. ep. X 40, 48). It was here that in A.D. 325 the celebrated council was held against the Arian heresy, in which the Nicene creed was drawn up.

severiorem] 'more morally strict.'

l. 18. si spectanda causa est cet.] 'the purpose of my being at Rhodes, if we are to look at our respective motives, was as honourable to me, as yours was in being at Nicaea.' Cic. was at Rhodes in B.C. 78 when he was 29 years old, after he had made a tour of Asia Minor and visited the different schools of rhetoric, as that of Menippus of Stratonice, Xenocles at Adramyttium, Aeschylus at Cnidos, Dionysius of Magnesia. He remained a year at Rhodes studying under Molo and Posidonius (de fin. I 2). Ferratius remarks on this passage: 'Oratorie, ut Laterensis petitionem declinet, dissimulat quod ad suam in causis agendis praestantiam pertinebat, dignitatis artem, quam profitebatur, tuetur.'

l. 20. nam quod] § 54 l. 17, § 68 l. 1.

quod—defenderem] 'for defending.' After a leading proposition in a past tense dependent interrogative and objective propositions are expressed in the imperfect, although their import may hold good also at the present or at all times (in which case the present is often used in English), Madv. Gr. § 383, Kenn. Gr. p. 483, above § 37 l. 27. Orelli's reading *quod defenderim* 'for having defended' would exclude the case of Plancius.

l. 21. et tu] sc. velles to be supplied from *vellent*, Madvig Gr. § 478, de am. § 30 l. 5, § 73 l. 3 *ed. Reid.*

l. 22. fit vestra diligentia—ut cet.] 'it is the consequence of the scrupulousness of men like you, who, while examining carefully the briefs presented to you, reject almost all, that most of them crowd to me.' There is an irony in the use of the word *diligentia*.

l. 23. causis ponderandis]=cum causas ponderatis et difficultatem earum agendarum perspicitis. W. Sometimes the abl. of the gerund and gerundive denotes rather the way and manner ('while,' so that something takes place at the same time), Madv. Gr. § 416 *obs.* 1, Kenn. Gr. p. 498, Zumpt Gr. § 643, cf. my n. to Cic. de off. I § 5 l. 33, or. p. Mur. § 17.

l. 23. omnis] sc. causas.

l. 24. qui miseris negare nihil possumus] cf. de off. II § 51 with note.

§ 85, l. 25. admonuisti etiam—potuisse] 'you reminded me also that, because you had been in Crete, some joke might have been made

on your candidateship.' Laterensis wished to cast a slur upon Cicero's fondness for punning. *Creta fullonum*, 'Cretan earth,' i.e. 'chalk,' was used for cleansing garments, Plaut. Aul. IV 9, 6 *scio funes esse hic complures qui vestitu et creta* (=*vestitu cretato*) *occultant sese.* Hence *cretatus* is used for *candidatus* by Persius (Sat. V 177 *cretata ambitio*), the gown being rubbed with chalk to make it whiter; Liv. IV 25 *placet, tollendae ambitionis causa tribunos legem promulgare ne cui* album in vestimentum *addere petitionis liceret causa.*

dictum aliquod] 'some witticism,'=in later Latin *dicterium*. Cf. de or. II § 222 *haec scilicet bona dicta, quae salsa sint; nam ea dicta appellantur proprio iam nomine*, Cic. ep. ad Corn. Nep. ap. Macrob. Sat. II 1 § 14 *itaque nostri, cum omnia quae dixissemus dicta essent, quae facete et breviter et acute locuti essemus, ea proprio nomine appellari dicta voluerunt*, Quint. inst. or. VI 3, 16. See also Mayor to Cic. Phil. II § 42 l. 23, Reid to or. p. Sull. § 25 l. 5.

l. 26. **in petitionem tuam**] 'on,' 'concerning your being a candidate,' see n. to Cic. de off. I § 28 l. 29.

me id perdidisse] cf. Quint. inst. or. VI 3 § 28 *potius amicum quam dictum perdidi.*

l. 27. **cupidior dicti**] 'fonder of making a joke.'

qui non dixerim] 'for not having said,' subjunctive in adjectival consecutive clause, Zumpt. Gr. § 557.

l. 28. **in te**] 'on yourself,' above l. 26.

l. 29. **quod mihi meae, quas ad aliquem misissem, obfuissent**] Haec omnia non ad reum, sed ad omnem (ipsum?) Ciceronem pertinent, quasi asperius a Laterense proposita. Nam significat epistulam non mediocrem ad instar voluminis scriptam, quam Pompeio in Asiam de rebus suis in consulatu gestis miserat Cicero aliquanto, ut videbatur, insolentius scriptam, ut Pompei stomachum non mediocriter commoveret: quod quadam superbiore iactantia omnibus se gloriosis ducibus anteponeret. Hoc igitur vult esse purgatum, dicens nuntiasse se Cn. Pompeio patriae conservationem, nec inscienter de semet ipso gloriatum. Obfuerunt autem re vera: nam sic effectum est, ut ei Pompeius contra Clodianam vim non patrocinaretur. SCHOL. BOB.

The voluminous letter to Pompeius is not extant, but the tone of his reply shows how he received it. In a subsequent short letter to Pompeius (ep. ad fam. V. 7) Cicero, after congratulating him on his victory over Mithridates, says '*ad me autem litteras quas misisti, quamquam exiguam significationem tuae erga me voluntatis habebant, tamen mihi scito iucundas fuisse. . . . Ac, ne ignores quid ego in tuis litteris desiderarim, scribam aperte, sicut et mea natura et nostra amicitia postulat. Res eas gessi, quarum aliquam in tuis litteris et nostrae necessitudinis et reip. causa gratulationem expectavi, quam ego abs te praetermissam esse arbitror, quod vererere ne cuius animum offenderes.*' Pompeius's answer to the bulky letter contained not a word of congratulation to Cicero.

The letter is mentioned also in the speech p. Sulla § 64 *hic tu epistulam meam saepe recitas, quam ego ad Cn. Pompeium de meis rebus gestis et de summa re publica misi.*

l. 31. **video**] 'I am aware,' as in the phrases *plus, multum, plurimum, parum, nihil videre*, of common occurrence in Cicero.

rei publicae prodesse] id enim egerat Cicero, ut Pompei animum ab iis alienaret qui adversus remp. coniuraverant. W.

CHAPTER XXXV

P. 35, § 86, l. 1. **meum discessum**] his departure from Rome, when he was threatened by Clodius, which he so calls and not *fuga*, because it was a voluntary retirement, undertaken for the good of the state. Cf. or. p. Sest. c. 16 § 36 ff., in Vat. c. 3, in Pis. c. 9, and c. 14, or. p. red. in sen. c. 13, c. 14, ep. ad fam. I 9, 29.

l. 2. **quasi reprehendere**] 'to censure, if I may say so.' *Quasi* serves to modify the too strong expression.

l. 3. **auxilium**] the help afforded by the senate, the equites, all Italy and all *boni cives*.

ego vero] 'but, in fact, I don't deny that the reason why I made no use of proffered assistance, was because I saw there was no lack of it.' On *ego vero* cf. § 59 l. 11, § 94 l. 21.

l. 6. **tempestas**] § 11 l. 12. So or. p. Sest. § 101 *periculi tempestas.*

tribunicius terror] 'dread of the tribune,' sc. Clodius, who was tr. pl. B.C. 58. Cf. Liv. III 10 § 14 *terrorem externum*, 'dread of foreign enemies,' 16 § 4 *peregrino terrore*, ib. § 3 *terror servilis* 'dread of the slaves,' below § 90 l. 5 *civile praesidium.*

l. 7. **consularis furor**] 'the madness of the consuls,' viz. L. Calpurnius Piso Caesoninus Calventius, father-in-law of the dictator Caesar, and Aulus Gabinius, the *duo rei p. portenta ac paene funera* (or. de prov. cons. § 2), who were consuls in the same year, when P. Clodius was tribune. The former he calls in his speech against him (§ 47) *vecordem, furiosum, mente captum, tragico illo Oreste aut Athamante dementiorem.*

l. 8. **magnum**] 'a difficult matter,' so de am. § 29 *quod maius est*, Ac. I § 7, or. p. Deiot. § 19 *horam unam aut duas eodem loco armatos... retinere magnum fuit?*, Verr. IV 53 *permagnum est in eum dicere aliquid.*

cum reliquiis] 'the remnants of Catiline's crew,' by which name he often calls his enemies, cf. or. in Pis. § 16 *ex intermortuis Catilinae reliquiis*, ib. § 23 *coniuratorum reliquiis*, ep. ad Att. I 14, 4 *de intermortuis reliquiis coniurationis.*

florentis] 'in their prime,' de orat. II § 210 *invidetur autem praestanti florentique fortunae*, or. p. Quinct. § 93 *ab adflicta amicitia transfugere atque ad florentem aliam devolare*, Parad. II § 18 *quidquid est laudabile, idem et beatum et florens*, de domo s. § 49 *cum tu florens ac potens per medium forum volitares*, or. in Pis. § 38 *florente fortuna imperatoris.*

l. 10. illa principia] those first acts of their consulship, spoken of in the speech against Piso, wherein his whole public and private life is pourtrayed with the choicest words of abuse that the Latin language can supply. See especially ch. IV—ch. XIV.

l. 11. recentes rerum exitus] as detailed in the speech *de provinciis consularibus*, delivered the previous year.

alter exercitum perdidit] Piso, when governor of Macedonia, lost his army, or. de prov. cons. § 5 *exercitus ille noster superbissimo dilectu et durissima conquisitione collectus omnis interiit...miserandum in modum milites populi Rom. capti, necati, deserti, dissipati sunt, incuria fame, morbo vastitate consumpti, ut, quod est indignissimum, scelus imperatoris in poenam exercitus expetitum esse videatur*, ep. ad Qu. fr. III 1 § 7 *nihil illo* (Gabinio) *turpius: proximus tamen est* Piso; *itaque mirificum ἐμβόλιον cogito in secundo librorum meorum* (de tempp. meis) *includere, dicentem Apollinem in concilio deorum, qualis reditus duorum imperatorum futurus esset, quorum alter exercitum perdidisset, alter vendidisset.*

l. 12. alter vendidit] Gabinius, sc. quod regem Ptolemaeum, acceptis decem milibus talentum, per vim militarem exercitus Romani restituisset in regnum suum. SCHOL. BOB. Cf. or. p. Rab. Post. § 19—§ 21, or. in Pis. § 48, or. de prov. cons. § 9.

emptis provinciis] 'by purchasing their provinces (from Clodius) they had revolted from the senate,' whose business it was to have allotted them. Cf. or. p. Sest. § 24 *foedus fecerunt cum tribuno plebis palam, ut ab eo provincias acciperent, quas ipsi vellent; exercitum et pecuniam quantam vellent ea lege, si ipsi prius tribuno plebis afflictam et constrictam rem p. tradidissent*, or. p. red. in sen. § 10 *non consules sed mercatores provinciarum ac venditores vestrae dignitatis.*

l. 13. qui exercitu—plurimum poterant] the triumvirs Caesar, Pompeius and Crassus. Caesar's army of four legions was still in N. Italy, Plut. Caes. c. 14, or. p. Sest. § 40, § 41, or. p. dom. § 131, de harusp. resp. § 47, post red. in sen. § 32.

l. 14. cum quid sentirent nesciretur] 'when their sentiments were unknown.'

l. 15. furialis illa vox] i.e. of Clodius who appeared at the mysteries of the *Bona Dea*, which were being celebrated in the house of Caesar one of the praetors, disguised in woman's clothes, having an intrigue with Pompeia, Caesar's wife, the grand-daughter of Sulla and daughter of

Q. Pompeius Rufus, in B.C. 62. Cf. ep. ad fam. I 9 § 15 *illa furia muliebrium religionum*, ad Att. I 12 § 3 *P. Clodium, Appi filium, credo te audisse cum veste muliebri deprehensum domi C. Caesaris, cum pro populo fieret* ('when sacrifice was being offered'); *rem esse insigni infamia*, ib. 13 § 3, 14 § 1, or. in Pis. § 95, de harusp. resp. c. XVII sq., or. de prov. cons. § 24 *quod mihi odium cum P. Clodio fuit, nisi quod perniciosum patriae civem fore putabam, qui turpissima libidine incensus duas res sanctissimas, religionem et pudicitiam, uno scelere violasset.*

altaribus] abl. of place. **religiosis**] 'sacred,' 'holy,' p. Sest. § 94.

l. 16. **secum facere—personabat**] 'bawled out that they (the triumvirate) as well as the two consuls were on his side, favoured his designs.' Cf. or. de har. resp. § 47. *Personabat* 'made the city ring with denunciations.' Cf. or. p. Cael. § 47 *illae vero* (Baiae) *non loquuntur solum, verum etiam personant, huc unius libidinem esse prolapsam ut cet.*, Liv. III 10 § 10 *tribuni coram in foro personare fabulam compositam Volsci belli*, Tac. Ann. XIV 15, XVI 4. The phrase *facere cum aliquo* is of common occurrence in Cic., e.g. or. p. Sull. § 36, p. Caec. § 104, § 79, pro Quinct. § 91, ep. ad Att. VI 8, 2, de fin. II § 44 *populus cum illis facit.* Cf. *erat mecum* below l. 18 and l. 23.

acerbissime] i.e. cum acerbissimo nostro dolore, 'to our very great sorrow.'

§ 87, l. 18. **at erat mecum senatus cet.**] 'but, you may say (§ 53, § 71), the senate was with me.' 'Yes,' says Cicero, 'and in mourning.' This clause, as well as those which follow, introduce an objection by Laterensis in the nature of an argument why Cicero should have remained at home. They are followed by *et quidem* (§ 31 l. 9), *quem quidem* (l. 24), *cui quidem* (l. 26) respectively. On the phrase *esse cum aliquo* Wunder compares or. p. Rab. § 24 *atqui videmus haec in rerum natura tria fuisse, ut aut cum Saturnino esset aut cum bonis aut lateret; latere, mortis erat instar turpissimae; cum Saturnino esse, furoris et sceleris*, or. Philipp. VIII 33 *eorum qui cum Antonio sunt, qui ab armis discesserit, iis fraudi ne sit.*

veste mutata] see n. to § 29 l. 22.

l. 19. **post hominum memoriam**] 'within the memory of man,' Cat. I § 16, cf. or. p. Balb. § 28 *superiore memoria*, 'in the history of former times,' de off. III § 5 *princeps huius memoriae philosophorum*, de imp. Pomp. § 54 *usque ad nostram memoriam*, i.e. 'cotemporary history.'

l. 21. **qui—non sierint**] causal subj. The senate had passed a *consultum* that public mourning should be worn, when Cic. was threatened with danger, but the consuls forbade it. Cf. or. in Pis. § 18 *cum senatus luctum ac dolorem suum vestis mutatione declarandum censuisset...edicere est ausus* (Piso) *cum illo suo pari, ut senatus contra quam ipse censuisset ad vestitum rediret...Maerorem relinquis,*

maeroris insignia tollis, or. p. Sest. § 44 *ad arma vocarent, qui ne vestitu quidem defendi remp. sissent.*

l. 22. **edictoque suo**] on the adversative use of *que* after a negative see below § 23 l. 1, n. on Cic. de off. I § 22 l. 32, § 32 l. 10, § 100 l. 15.

l. 24. **quem quidem saltator ille—terrebat**] 'yes, the equites who were kept in a constant state of alarm by the threat of proscription from the consul (Gabinius), that dancing minion of Catiline's, in his public speeches.' There is a note in the Scholia Bobiensia on this passage 'ἰδίως pro stomachi sui acerbitate Gabinium lacerat quasi famosae inpudicitiae, quem minitatum proscriptionem equestri ordini eapropter dicit, quod illius edicto fuisset L. Aelius eques Romanus, cui familiaris amicitia cum M. Tullio fuerat, relegatus.' L. Aelius Lamia, a distinguished member of the equester ordo, was a zealous supporter of Cicero in the suppression of the Catilinarian conspiracy, and was consequently marked out for vengeance and banished (*relegatus*) for a limited time without *capitis deminutio* by the influence of the consuls Piso and Gabinius in B.C. 58, or. p. Sest. § 29, or. in Pis. c. 27 § 64, ep. ad fam. XI 16, 2 *magno eius* (L. Lamiae) *merito sum obligatus; nam Clodianis temporibus, cum equestris ordinis princeps esset proque mea salute acerrime propugnaret, a Gabinio consule relegatus est: quod ante id tempus civi Romano Romae contigit nemini*, ib. 17, XII 29 § 1.

saltator] Cic. calls him a *tonsa saltatrix* in the or. c. Pison. § 18, and again § 22 *cum ipse* (collega tuus) *nudus in convivio saltaret, in quo cum illum saltatorium versaret orbem, ne tum quidem fortunae rotam pertimescebat*, in or. post red. in sen. § 13 he is again the *calamistratus saltator*, cf. or. de dom. § 60. On the character of Catiline's selected friends, see the speech in Cat. II § 23 where dancing and singing are enumerated as some of the accomplishments of his *pueri tam lepidi ac delicati*. On the light in which dancing was regarded by the Romans see my n. to de off. III § 75 l. 12. Macrobius Saturn. III 14 § 15 speaks of Gabinius, M. Caelius, and L. Crassus son of the triumvir, as being the three most skilful dancers of their day.

l. 26. **cui quidem belli—inferebatur**] 'yes, all Italy, which was terrified with the prospect of civil war and desolation.' All these were reasons for not staying at Rome and fighting it out.

CHAPTER XXXVI

l. 28. **auxiliis studentibus atque incitatis**] 'zealous and eager, enthusiastic helpers,' Germ. '*eifrige und begeisterte Helfer*,' as Nägelsbach lat. Stil. p. 325 renders it.

l. 29. **non iure, non legibus**] On the distinction between *ius* and *lex* see n. to de off. III § 69 l. 26. For the sentiment cf. or. de dom. § 91 *mihi aut te interfecto cum consulibus aut te vivo et tecum et cum illis armis decertandum fuit.*

l. 30. disceptando] disceptare is a juridical term, meaning literally 'to seize hold of and separate' (*dis—capio*), hence (1) 'to decide a controversy,' (2) said of the parties themselves, 'to debate' 'discuss,' see my n. to de off. I § 34 l. 6. Cf. ep. ad fam. V 2 § 8 *me, quacunque ratione posset, non iudicio neque disceptatione sed vi atque impressione evertere.* On the use of the gerund coupled with a modal noun, see Nägelsb. lat. Stil. p. 101 f. § 32, who compares de div. II § 83 *non necesse est fateri horum* (auspiciorum) *errore susceptum esse, partim superstitione, multa fallendo.* Add de fin. III § 34 *hoc ipsum bonum non accessioni neque crescendo aut cum ceteris comparando sed propria vi sua sentimus*, ib. *virtutis quae genere, non crescendo valet*, de am. § 61 *blanditiis et assentando.* The construction is much more common in Tacitus.

l. 31. quo ceteri—abundarunt—auxilium meum] sc. eloquentia, cf. above § 82 *praesidia si quae sunt forte in me*, or. in Pis. § 18 *quasi vero non modo ego qui multis saepe auxilio fuerim.* Translate: 'my power and success as a pleader, by which others have amply profited,' '*die Hülfe, deren Andere so oft reichlich genossen haben,*' as it is rendered by Nägelsb. lat. Stil. p. 281, who compares de fin. II § 63 *is ita vivebat, ut nulla tam exquisita posset inveniri voluptas, qua non abundaret.*

l. 32. armis fuit, armis, inquam] for similar examples of *geminatio*, see Zumpt Gr. § 821.

l. 33. quibus] abl. of instrument.

P. 36, § 88, l. 2. vinci improbos a bonis] cf. or. p. Sest. § 43 *vicissent* (=si vicissent) *improbos boni, fortes inertes; interfectus esset is, qui hac una medecina potuit a rei p. peste* (sc. inferenda) *depelli: quid deinde? quis reliqua praestaret?* or. p. dom. § 63, p. red. in sen. § 33.

l. 3. fuisse praeclarum, si] i.q. *futurum fuisse* praeclarum, to be explained by the idiom according to which the indicative supplies the place of the subjunctive with such words as *oportet, aequum est, par est* etc., even when an hypothetical sentence with the imperfect or pluperfect subj. is added; see Zumpt Gr. § 519 *a* and § 593, Kenn. Gr. p. 336, p. 486, Madvig Gr. § 348 e.

tum] i.e. victis improbis.

viderem] for vidissem, cf. § 53 l. 6 and see Madv. Gr. § 347 *b* obs. 2, Reid note to Cic. de am. § 13 l. 14. Cicero realises the past (for the moment) as present, and so looks on the condition as not wholly past but still continuing. The usage is in fact similar to the substitution of the present for the past (for the sake of vividness) in historical narratives. Wunder compares or. p. red. in sen. § 33 *potui, p. c., multis auctoribus fortissimis viris me vi armisque defendere; nec mihi ipsi ille animus idem meus vobis non incognitus defuit; sed videbam, si vicissem praesentem adversarium, nimium multos mihi alios esse vincendos.*

l. 4. **praesto fuissent**] sc. iuvandi causa. It is also used in an opposite sense *nocendi causa*, as in or. p. Caec. § 87, Verr. II 2, 4 § 11.

l. 5. **L. Opimius**] § 69 l. 24, § 70 l. 3.

l. 6. **C. Marius**] he was consul for the sixth time with L. Valerius L. f. L. n. Flaccus in B.C. 100, or. p. C. Rabir. perd. r. § 20 *fit senatus consultum, ut C. Marius L. Valerius coss. adhiberent tribunos pl. et praetores, quos eis videretur, operamque darent ut imperium populi R. maiestasque conservaretur* against the attempt of *Saturninus, C. Glaucia, C. Sanfeius* and *ille ex compedibus atque ergastulo Gracchus*, Philipp. VIII § 14. *armatis* in opp. to *privatus* l. 8.

Flaccus] L. Valerius Flaccus, father of the Flaccus whom Cicero defended, was colleague of C. Marius in his sixth consulship, when he assisted in putting down the insurrection of Saturninus. See or. p. Rabir. § 20, or. Philipp. VIII § 15, or. in Cat. I § 4.

l. 8. **P. Mucius**] Publius Mucius Scaevola, (no. 6 in the Stemma Muciorum p. 93), was famous as a *iuris consultus*, de off. II § 47, de or. I § 212. He was tr. pl. B.C. 141 (de fin. II § 54), praetor urbanus B.C. 136, and consul with L. Calpurnius Piso Frugi in B.C. 133, the year in which Tiberius Gracchus lost his life. Though he did not cooperate with Scipio Nasica in his attack upon Tib. Gracchus and his party, yet, after the death of Gracchus, he is said to have approved of his conduct, and even to have declared his approbation by moving or drawing up various *senatus consulta*, or. de dom. § 91 *Scipionis factum statim P. Mucius consul, qui in gerenda re[p.] putabatur fuisse segnior, gesta multis senatus consultis non modo defendit sed etiam ornavit.*

P. Scipio] P. Cornelius P. f. P. n. Scipio Nasica Serapio, (no. 16 in the Stemma Scipionum p. 94), consul in B.C. 138 with D. Junius Brutus, was leader of the Senate in the murder of Tiberius Gracchus solely from party prejudice, see § 51 l. 3, Tusc. IV § 51 *mihi ne Scipio quidem ille, pontifex maximus...iratus videtur fuisse Ti. Graccho tum, cum consulem languentem reliquit atque ipse privatus, ut si consul esset, qui rem publicam salvam esse vellet, se sequi iussit*, de off. I § 76, Philipp. VIII § 14, or. in Cat. I § 3.

privatus] because at this time, B.C. 133, he held no magisterial office; that of pontiff, which he did hold, was a permanent dignity, and not regarded as a *magistratus*.

l. 9. **iure optimo**] 'with perfect justice,' de off. I § 111, Plaut. Most. III 2, 24 (698).

l. 10. **esset igitur pugnandum**] cf. or. p. Sest. § 43 *quid erat bis vincere? id profecto, ut, cum amentissimo tr. plebis si decertassem, cum consulibus ceterisque eius ultoribus dimicarem.* We should have expected *fuisset* or *erat* rather than *esset*, but see above l. 3 n.

l. 11. gravis adversarios] cf. or. p. Sest. § 44. He means of course Clodius and his party, the two consuls Piso and Gabinius, and the triumvirate consisting of Caesar, Pompey and Crassus.

l. 12. nullos—ultores] because the senate and equites were overawed; they lacked the sympathy of the consuls, their natural leaders.

§ 89, l. 13. defui] 'did not avail myself of.' See Nägelsb. lat. St. p. 286, who compares or. Phil. I § 15 *sed alium alia de causa deesse dignitati suae*. So the force of *retinuissent* l. 23 is given in English more forcibly in a negative form; cf. § 102 l. 24.

idcirco—quia] cf. § 4 l. 19, § 78 l. 10.

l. 14. id quod vis] sc. me fateri.

l. 16. hoc eis magis consulendum] 'so much the rather I ought to provide for their interests,' § 24 l. 16, § 92 l. 31, de off. II § 72 l. 20 n.

l. 17. Q. Metello] Q. Metellus Numidicus (no. 12 in the Stemma p. 187). Cicero is constantly calling attention to the similarity of circumstances attending his own *discessus* with Metellus' voluntary withdrawal rather than risk disturbances in the city, or. p. Sest. § 37, § 101, in Pis. § 20, or. p. Balb. § 11, ep. ad fam. I 9 § 16.

laudi datum est] predicative dative or dat. of purpose, § 26 l. 4, § 27 l. 17, § 34 l. 24.

l. 18. ut potes ex multis audire qui tum adfuerunt] because it happened in B.C. 100, therefore forty-six years before this trial.

l. 21. cum] concessive, 'although.'

suum—factum defenderet] quia iurare noluit in legem Saturnini. MANUTIUS. It was the individual act of Metellus, as he was the only member of the senate who refused to swear obedience to the law of Saturninus, in which was a clause that whoever refused to swear obedience to it within five days after its enactment should be expelled from the senate and pay a fine of twenty talents. Cf. or. p. Sest. § 37 *ad suam enim quandam magis ille* (Q. Metellus) *gloriam quam ad perspicuam salutem rei p. respexerat, cum unus in legem per vim latam iurare noluerat*, or. in Pis. c. 9. Cicero, on the other hand, would have been upholding the *senatus factum* if he had stayed and fought, for the senate had condemned the conspirators and Cicero merely executed the sentence.

l. 23. retinuisset] 'had refused to give up, relax his hold of.'

ob illam causam] see cr. note.

quod illud voluntarium vulnus accepit] cum in exilium maluit ire, quam in legem Apulei Saturnini iurare, de qua videndus Appianus est bell. civ. I c. 29. W.

l. 24. iustissimos—triumphos] iustus triumphus is the ordinary expression for *meritus, legitimus*, so Hor. Od. I 12, 54 *seu Parthos*

STEMMA CAECILIORUM METELLORUM

1. L. Caecilius C. F. Metellus Dexter cos. B.C. 284
2. L. Caecilius L. f. C. n. Metellus, pont. max. cos. B.C. 251, 247, dictator B.C. 224

3. Q. Caecilius L. f. L. n. Metellus cos. B.C. 206, dict. B.C. 205
4. L. Metellus tr. pl. B.C. 213
5. M. Caecilius Metellus pr. urb. B.C. 206,

6. Q. Caecilius Metellus Macedonicus praetor B.C. 148, cos. B.C. 143, censor B.C. 130 (Tusc. d. 1 § 85)
7. L. Caecilius Metellus Calvus cos. B.C. 142

8. Q. Caec. Metellus Balearicus cos. B.C. 123, cens. B.C. 120
9. M. C. Metellus cos. B.C. 115
10. C. Caec. Metellus Caprarius cos. B.C. 115, censor B.C. 104
11. L. Caec. Metellus Calvus Dalmaticus cos. B.C. 119, censor B.C. 115
12. Q. Caec. Metellus Numidicus cos. B.C. 109, censor B.C. 97 (§ 69 l. 25, § 89 l. 17)

13. L. Caecilius Metellus
14. Q. Caec. Metellus Pius praetor B.C. 87, cos. B.C. 80 (§ 69 l. 25)

15. Q. Metellus Creticus cos. B.C. 69 (§ 27 l. 27, § 61 l. 14)

egerit iusto domitos triumpho, or. in Pis. § 44 *M. Luculli iustissimos triumphos*, Suet. Calig. c. 48 *querens...fraudatum se iusto triumpho*. The triumphs of the Metelli are known from the Fasti, that of L. Caecilius Metellus (**2**) proconsul over the Carthaginians (A. U. C. 504 = B. C. 249), of Q. Caecilius Metellus Macedonicus (**6**) propraet. over Andriscus, of Q. Caecilius Metellus Balearicus (**8**) (A. U. C. 633 = B. C. 121) over the Balearic islands, of L. Caecilius M. Dalmaticus (**10**) pro Cos. (A. U. C. 637 = B. C. 117) over the Dalmatians, of M. Caecilius Metellus (**9**) (A. U. C. 640 = B. C. 114) over Sardinia, C. Caecilius Metellus Caprarius pro Cos. (**10**) (A. U. C. 643 = B. C. 110) over Thrace, Q. Caecilius Metellus Numidicus (**12**) pro Cos. (A. U. C. 646 = B. C. 107) over Jugurtha, Q. Caecilius Metellus Pius (**14**) pro Cos. (A. U. C. 683 = B. C. 70) over Sertorius, Q. Caecilius Metellus (**16**) Creticus pro Cos. (A. U. C. 691 = B. C. 62) over Crete. *gloria et laude* (l. 25) are frequently combined, as in p. Arch. 19 *gloriam laudemque*, Cat. I 23 *gloriae et laudi*, in Pis. 82 *laudis et gloriae*, p. Font. 25 *gloria ac laude*.

l. 28. **propositis**] as the end and aim of the struggle, which I avoided by my *discessus*.

l. 29. **infinita**] infinita dimicatio non est, quae finem habeat nullum, sed quae cum ingenti armorum vi, cui Cicero par esse non poterat, futura sit, quae vis exercitu Caesaris et delectu consulari constet. GARATONI. Cf. § 88 l. 3 *si finem tum vincendi viderem*.

committerem ut] § 81 l. 22. On the pure conjunctive of the modified question cf. §§ 33, 40, 43, 78, Kenn. Gr. p. 339 II E, Madv. Gr. § 353, Zumpt Gr. § 530.

l. 30. **servator**] as consul against Catiline. *Perditor* and *servator* are opposed also in or. in Vatin. § 7 *te perditorem et vexatorem—me conservatorem et custodem*, or. Phil. X § 8 *cedere e patria servatorem eius, manere in patria perditores*.

CHAPTER XXXVII

§ **90, l. 31**] **ego vero**] § 59 l. 11, § 86 l. 3, § 94 l. 21.

immortalitatem] 'imperishable fame,' de sen. § 74, or. in Pis. § 7.

l. 32. **contra rem publicam**] 'to the disadvantage of the state,')(*e re publica*. Transl. 'I could not have thought of accepting even immortality (submitting to a glorious death) contrary to the interests of the State, much less could I have chosen to perish (without being secure of *immortalitas*), when my death involved the ruin of the state.'

cum pernicie rei pub.] 'to the ruin of the state,' cf. n. § 102 l. 22, Verr. II 1, § 63 *ut illo itinere veniret Lampsacum cum magna calamitate et prope pernicie civitatis*, or. in Cat. 1 § 33, or. p. Sest. § 49, de off. 1 § 1 l. 6.

P. 87, l. 1. vitam ediderunt] 'have breathed their last,' de fin. V § 4 *Pythagorae ipsum illum locum, ubi vitam ediderat.* Cf. or. p. Sest. § 83 *si tum animam, quam vix retinuit, edidisset*, or. Phil. XII § 22 *cuius in complexu libenter extremum vitae spiritum ediderim*, Aul. Gell. III 15 *aetate iam edita* i.e. *exacta.* Some read *vitam dediderunt*, i.e. 'have sacrificed their life.'

licet me desipere dicatis] 'you are at liberty to say that I am unreasonable' for saying so.

l. 3. illorum impiorum] 'those enemies of their country,' the Clodian gang. He says l. 4 *in perpetuum* because the example of Cicero would have deterred others from venturing to defend their country in future civil commotions.

l. 5. civile]=civium, see n. to § 86 l. 6.

si me—natura ipsa consumpsisset] 'if I had died a merely natural death,' i.e. without disease. Cf. or. p. Cluent. § 29 *naturae satisfecit*, Sallust Iug. XIV 15 *naturae concessit.*

l. 6. auxilia] 'sources of aid.'

l. 7. posteritatis] quae in posterum habere posset res publica. W.

l. 8. peremptum esset mea morte id exemplum, qualis cet.] 'my death would have put a stop to the precedent of how the senate and people of Rome would have behaved towards me.' Cic. means that, had he died before his defeat of the conspiracy of Catiline, the precedent would have been lost for a vigorous exercise of power on the part of the senate and people in recalling him. On *peremptum* see § 101 l. 11 n, and on *futurus fuisset* Kenn. Gr. p. 485, Madv. Gr. § 381, Zumpt Gr. § 498. For the sentiment, cf. p. Sest. § 50, § 49 *hoc videbam, si causam publicam mea mors peremisset, neminem umquam fore, qui auderet suscipere contra improbos cives salutem rei p. Itaque non solum si vi interissem, sed etiam si morbo exstinctus essem, fore putabam, ut exemplum rei p. conservandae mecum simul interiret.* Wunder omits *retinendo* as an unsuitable expression and adds the following note:—'Frequens loquendi genus est *talis, qualis, is in aliquem fuit.* Cf. in Verr. II 2 § 164 *ut coniecturam faceretis, qualem in his rebus in me L. Metellum fuisse putaretis*, or. p. Deiot. § 19 *quo in loco Deiotarum talem erga te cognovisti, qualis rex Attalus in P. Africanum fuit*, in Verr. II 1 § 41 *idem in Cn. Dolabellam qui in Cn. Carbonem fuit.*'

l. 10. mense Decembri] on the night of the 3rd of December the envoys of the Allobroges were arrested with their suite and despatches on the Milvian bridge. On the same day Cic. delivered his third Catilinarian oration to the people. On the 5th he delivered his fourth speech.

l. 12. aliorum] i.e. D. Junius Silanus and L. Licinius Murena, coss. A.U.C. 691 = B.C. 62.

recidissent] cf. ep. ad Att. I 1 § 2 *nemo est ex eis, qui nunc petunt, qui, si in nostrum annum reciderit, firmior candidatus fore videatur,* Phil. XIII § 19 *recidere in memoriam pueritiae suae.*

§ **91, l. 16. Nam quod**] § 7 l. 27, § 54 l. 17, § 68 l. 1, § 84 l. 20.

l. 18. me—negasti] sc. liberum esse. That there was some truth in Laterensis' objection is evident from Cicero's own confession, ep. ad Att. IV 6 § 1 (A.U.C. 698=B.C. 56) *quid foedius nostra vita? praecipue mea? nam tu quidem, etsi es natura πολιτικός, tamen nullam habes propriam servitutem, communi servis nomine; ego vero, qui, si loquor de re p. quod oportet, insanus, si, quod opus est, servus existimor, si taceo, oppressus et captus, quo dolore esse debeo? quo sum scilicet, hoc etiam acriore, quod ne dolere quidem possum ut non ingratus videar,* ep. ad Qu. fr. III 1 § 7, III 5 § 3 (A.U.C. 700=B.C. 54) *angor meum non modo animum, sed ne odium quidem esse liberum.* 'Ceterum eo consilio,' adds Wunder, 'Laterensis amissam libertatem Ciceroni exprobravit, ut indignum eum ostenderet, cui iudices Plancium propter merita in ipsius salutem condonarent, cum libertate perdita rei p. amplius utilis esse non posset, ideoque beneficio ab iudicibus ornari non mereretur.'

CHAPTER XXXVIII

l. 20. non ab omnibus—dissentiam] Caesarem maxime et Pompeium significari aperte intellegitur. W. Cf. ep. ad fam. I 9 § 17 *illud vero non obscure queruntur in meis sententiis, quibus ornem Caesarem, quasi desciscere me a pristina causa.* Cicero has often to apologise for having made his peace with those who had helped to drive him from Rome, or. de prov. consul. c. 8. His brother Quintus was now with Caesar in Britain.

l. 24. respicio etiam salutem cet.] 'I have a care for my own safety' by becoming reconciled to those my enemies, *a quibus antea solitus sum dissentire.*

l. 26. ruere]=temere, caeco cum impetu ac turbulento agere, 'to act hastily,' de fin. I § 34 *at id ne ferae quidem faciunt ut ita ruant itaque turbent,* ep. ad Att. II 14, 1 *timendum, ne...ruere incipiat,* IV 3, 2 *ille demens ruere,* or. de dom. § 141 *in agendo ruere ac saepe peccare,* or. p. Sest. § 133 *de quo ego, cum cotidie rueret, verbum feci numquam,* de off. III § 55 l. 4.

boni viri] 'patriots,' 'conservatives,' § 1 l. 3 n.

l. 27. ut id ne facerem] § 2 l. 2, § 48 l. 14, § 77 l. 32. On *ut ne* see Kühnast *Liv. Synt.* p. 232 f.

§ **92. res publica**] cf. § 12. 'In epistula ad Lentulum (ad fam. I 9 § 10) rem p. ipse adloquitur eodem argumento ut se ad Pompeium adiungi sinat. *Collegi,* ait, *ipse me et cum ipsa quasi re p. collocutus sum,*

ut mihi tam multa pro se perpesso atque perfuncto concederet, ut officium meum, memoremque in bene meritos animum fidemque fratris mei praestarem, eumque, quem bonum civem semper habuisset, bonum virum esse pateretur. Videbat igitur sibi quidem conducere sed non rei p., ut ad III virorum voluntatem sese adgregaret; quos tamen suis opibus coercere non poterat.' GARATONI.

l. 29. **fructus—tulissem**] cf. or. p. Rosc. Am. § 107 *partem praedae tulerunt*, Hor. Ep. I 17, 44 *coram rege sua de paupertate querentes plus poscente ferent*, Juv. Sat. XIII 105 *ille crucem sceleris pretium tulit, hic diadema*, ib. VIII 119, IX 39 *haec tribui, deinde illa dedi, mox plura tulisti.*

l. 31. **ut—ut**] the second *ut* is a mere repetition of the *ut* before *quoniam*, due to the length of the intervening clause. For instances of such repetition of *ut* for clearness' sake see the exx. quoted by Mr Reid or. p. Balbo § 20 l. 7.

consulerem meis] § 24 l. 16, § 89 l. 16 n.

l. 32. **pro eo, quantum**] de fin. IV § 58 *eaque pro eo, quantum in quoque sit ponderis esse aestimanda*, ep. ad fam. III 3, 2 *equidem pro eo, quanti te facio, quidquid feceris adprobabo.*

§ 93, l. 33. quid?] Cic. refutes the objection of inconsistency in the same way in ep. ad fam. I 9 § 17.

P. 38, l. 1. et] used explicatively for an adversative particle. Cf. above § 87 l. 22, de off. I § 22, § 64, II § 54, de sen. § 28 l. 13 with Mr Reid's note.

l. 2. **requires**]=desiderabis, 'will you seek in vain for,' 'miss,' i.e. will you still affirm that I have lost my liberty? Cf. or. p. Mur. § 61 *quae nonnumquam requirimus, ea sunt omnia non a natura, verum a magistro*, de leg. Man. § 6 *quibus amissis pacis ornamenta requiretis*, Tusc. V § 23, Verr. II 5 § 172, p. Sest. § 138 l. 32.

quam tu ponis in eo, si cet.] 'which you make depend upon my continuing to fight to the end with those with whom I have at some time or other quarrelled. Far otherwise: for we ought to consider ourselves as standing on a sort of wheel in state affairs, and, revolving as it does, we should select that part to which the interest and safety of the state shall have directed us.' We have the same metaphor in ep. ad Att. II 9 § 1 *festive, mihi crede, et minore sonitu quam putaram, orbis hic in re p. est conversus, citius omnino quam oportuit.*

l. 3. **quod est longe secus**] in the speech pro Rab. Post. § 32 Cic. tells us that he does not repent of having *mortales inimicitias, sempiternas amicitias.*

l. 5. **qui quoniam**]=quoniam autem is, Zumpt Gr. § 803. Garatoni compares or. in Verr. I § 25 *Siculos in eo sane liberos fuisse (audio), qui quamobrem arcesserentur cum intellegerent, non venisse,*

II 4 § 131 *etenim ille requisisse dicitur Archimedem illum, summo ingenio hominem ac disciplina, quem cum audisset interfectum, permoleste tulisse.*

CHAPTER XXXIX

l. 7. **Cn. Pompeium**] of his relations to Pompeius Cic. speaks in the or. p. Rab. Post. § 33, and the motives which led him to attach himself to his cause are explained in or. in Pis. § 76, and in the important epistle to Lentulus (ep. ad fam. I 9). In the pro Sest. § 74 he tells us that Pompeius spoke in the senate in favour of his recall, and § 107 that he showed himself *non solum auctorem meae salutis sed etiam supplicem populo Romano.* Again or. in Pis. § 35 he states that it was at Pompeius' suggestion that a *senatus consultum* was passed, *ut, si quis impedisset reditum meum, in hostium numero putaretur* and § 80 he says of him *me omnibus studiis suis, laboribus, vitae periculis complexus est.* It was Pompeius also that brought about the reconciliation between him and Caesar ib. § 80.

l. 11. **quem—concedunt**] the indicative is used, because the relative clause is a simple definition of *eum* the person, Roby Gr. II § 1681.

l. 12. **C. Caesaris**] Omnis enim illa tempestas, cui cesserat Cicero, Caesare impulsore atque adiutore dicebatur excitata, ita ut omnes Ciceronem Caesari semper fore inimicissimum putarent. Itaque quod mox in gratiam cum eo rediit, a multis obiectum Ciceroni est. Cfr. or. de prov. cons. § 18 sqq., c. 17 sqq., or. p. C. Balbo c. XXVII § 61, or. in Pis. c. XXXII § 79, ep. ad fam. I 9, 3. W.

desim] dubitative question, § 78 l. 16, Kenn. Gr. p. 339, Roby Gr. II 1610, Madvig Gr. § 353, Zumpt Gr. § 530.

quas—videam] the subjunctive is used because it assigns the cause why Cicero cannot fall short in his duty to Caesar.

populi Romani] who by passing the *lex Vatinia* conferred on Caesar the government of Gallia citerior together with Illyricum for five years: Suet. Caes. c. 22 *initio quidem Galliam Cisalpinam, Illyrico adiecto, lege Vatinia accepit; mox per senatum Comatam quoque, veritis patribus ne, si ipsi negassent, populus et hanc daret.* Caesar held these provinces for five years with seven legions. In B.C. 57 the senate, upon the motion of Cicero, decreed him *supplicationem quindecim dierum* (*quod ante id tempus accidit nulli,* as he says himself B. G. II 35, 4), *stipendium et decem legatos* de prov. cons. §§ 26, 27, cf. or. p. Balb. § 61. In B.C. 56 Cic. procured for him by his speech *de provinciis consularibus* (Introd. § 2) a prolongation of his command in Gaul for five years.

l. 13. **cui me semper addixi**] 'to whom I have devoted myself at all times.' 'Callide senatui nunc tribuit Caesar, certe a senatu se adsentiente ait factum, quod senatus auctore Cicerone potissimum fecerat.' W. See L S Dict. s. v. Da. p. 30[a].

l. 14. iudiciis] by the *honores* and *imperia* conferred on him at various elections, cf. de imp. Pomp. § 43.

tum hercule] in that case, viz. if I did not give Caesar his due meed of praise.

l. 16. hominibus] 'to men,' not measures.

§ 94, l. 17. an, cum videam—, pugnem] § 53 l. 32. If the principal predicative is a potential subjunctive, an indefinite clause with a present or future after *cum* is always in the same mood.

cursum tenentem suum] § 52 l. 18. We have the same image in or. p. Balb. § 61 *neque esse inconstantis puto sententiam tamquam aliquod navigium atque cursum ex rei p. tempestate moderari*, ep. ad fam. I 9 § 21 *numquam enim (in) praestantibus in re p. gubernanda viris laudata est in una sententia perpetua permansio, sed, ut in navigando tempestati obsequi artis est, etiamsi portum tenere non queas, cum vero id possis mutata velificatione adsequi, stultum est eum tenere cum periculo cursum, quem inceperis* (vulgo *ceperis*), *potius quam eo commutato, quo velis tamen pervenire, sic.. in administranda republica non idem semper dicere sed idem semper spectare debemus.*

l. 20. illi] sc. tempestati.

l. 24. monumenta et litterae] cf. II or. in Verr. III § 209 *monimentis ac litteris*, or. p. Ligar. § 6 *litteris monimentisque*, or. p. Deiot. § 37 *litteris monimentisque*. W.

l. 26. inclinatio temporum] 'an alteration of, bias of, the times,' esp. for the worse; a common phrase in Cicero, as in or. p. Balb. § 58 *omnis illa inclinatio communium temporum*, 'all the impetus of that national crisis,' where Mr Reid observes 'that *inclinatio* (ῥοπή) indicates rapid downward movement, beginning immediately after a critical point is reached, and it is often joined with *momentum*', as in de fin. V § 11 *rerum inclinationes et momenta temporum*, ep. ad fam. VI 10 § 5 *quae quoniam in temporum inclinationibus saepe parvis posita sunt, omnia momenta observabimus*, Verr. V § 177.

l. 27. quod—facio] i.e. defendo sententias quascumque rei p. status—postulat, see § 91. Cf. for the sentiment ad div. I, 9, 21.

l. 28. requiris] § 93 l. 2.

l. 29. dimisi] 'have foregone,' cf. de am. § 76 *in amicitiis dimittendis*, de or. II § 89 *neque dimisi tempus*, or. p. Balb. § 61 *sui quemque iuris et retinendi et dimittendi esse dominum*, below § 97 l. 32.

l. 29. pertinacia] 'obstinate adherence to a party.'

CHAPTER XL

§ **95, l. 31. nunc venio**] § 12, § 36, § 58.

l. **32. arcum facere e cloaca**] a proverbial expression, signifying, 'to make much ado about nothing,' 'to make a mountain of a mole-hill,' lit. 'to make an arch out of a sewer.' So Ovid ep. ex Pont. II 5, 22 *e rivo flumina magna facis*. Cf. Nagelsb. lat. Stil. p. 361. I have adopted with Hirschfelder Cobet's plausible emendation *arcum* for the vulgate *arcem*; Dobree proposed *aram*, Adversaria vol. II p. 375.

l. **33. lapidem e sepulcro**] 'a grave-stone,' Prop. III (IV) I 37; Tibull. I 1, 12; I 3, 54.

P. 39, l. 3. ex meis temporibus] § 1 l. 5, § 4 l. 27, § 30 l. 20.

pervagatum] § 47 l. 11. He refers to the early part of his exile, when Plancius helped him most.

l. **4. celebratum**] in the Speeches p. red. in sen. and ad Quir., in Vat., in Pis. and p. Sest.

l. **5. ex illo incendio legum**] metaph. for exitio. Wunder compares or. in Verr. II 3 § 66 *cernitis, iudices, quod et quantum incendium decumanorum impetu non solum per agros, sed etiam per reliquas fortunas aratorum, neque solum per bona, sed etiam per iura libertatis isto practore pervaserit*, Philipp. X § 21 *concurritur undique ad commune incendium restinguendum* i.e. perniciosum bellum quod Antonius civibus Romanis inferre conabatur.

l. **7. deflagrationem**] 'destruction,' lit. 'conflagration.'

l. **8. nisi quievissem**] 'unless I kept quiet,' instead of taking up arms. For the tense cf. § 9 l. 27 n., § 101 l. 10.

Siciliam petivi animo] he intended to go to Sicily, but, being prevented by C. Vergilius, got no further than Vibo, the port of embarkation for the island.

l. **9. sicut domus una**] propter quaesturam egregie gestam et beneficium Verris accusati. MANUTIUS. Cic. had always maintained friendly relations with Sicily, since he had been quaestor of Lilybaeum, § 64 l. 19.

l. **10. C. Vergilio**] Gaius Vergilius was praetor in B.C. 60, with Q. Cicero as his colleague. In B.C. 59 he was governor (*pro praetore*) of Sicily, where P. Clodius served under him as quaestor. Notwithstanding his friendship with Cicero (ep. ad fam. II 19, 2, ad Q. fr. I 2, 2, 7), he would not allow him to seek refuge in his province. Later he joined the party of Pompeius and in B.C. 46 had the command of Thapsus, which he ultimately surrendered to Caesar's *legatus* (Bell. Afr. 28, 86).

uno vel maxime] on the emphatic use of *unus* with superlatives, 'one of all,' above all, so common in Cic., see n. to de off. II § 30, III § 26 l. 7 n., above § 6 l. 8, below § 97 l. 27 *urbem unam mihi amicissimam*, Zumpt Gr. § 691, Madv. Gr. § 310 obs. 2, Kenn. Gr. p. 153. Plautus uses it in the same way with the positive as Capt. l. 275 *quód genus illist únum pollens átque honoratissimum*, Most. 772 *eró servos múltimodis qui fidus únust*, and Catullus, perhaps, with comparative X 17 *unum me facerem beatiorem.*

vetustas] 'intimacy of long standing,' ep. ad fam. X 10, 2 *inter nos amore sumus, officiis, vetustate coniuncti*, XI 16, 2 *hoc ego utor uno omnium plurimum; magna vetustas, magna consuetudo intercedit*, 27, 2 *quantum memoria repetere praeterita possum, nemo est mihi te amicus antiquior; sed vetustas habet aliquid commune cum multis, amor non habet*, XIII 32, 2 *velim sic existimes hos mihi maxime esse coniunctos vetustate, officiis, benevolentia*, V 15, 2 *tecum vivere possem equidem et maxime vellem; vetustas, amor, consuetudo, studia paria.*

l. 11. mei fratris conlegia] They were colleagues in the aedileship in B.C. 65 and in the praetorship B.C. 62. *Collegium* in the sense of 'colleagueship' is rare, cf. ep. ad fam. IV 12 *quae nostra officia fuerunt pro collegio et pro propinquitate*, Liv. X 26, 2 *quo modo se oblivisci P. Decii consulis per tot collegia experti posse*, ib. 13, 13; 22, 3; 24, 6.

§ **96, l. 12. caliginem temporum illorum**] 'the gloom of those times.' Cf. or. p. red. in s. § 5 *superioris anni caligo*, de leg. agr. II § 44, de prov. cons. § 43 *ecce illa tempestas, caligo bonorum, tenebrae rei p.*

l. 13. praetor] he was really propraetor, B. C. 61.

l. 14. tribuni pl.] P. Clodius.

propter eamdem rei p. causam] the cause of the optimates and Cicero.

l. 15. me in Siciliam venire noluit] Cic. makes his reason for leaving Vibo all at once to be Vergilius' refusal to allow him to enter his province. In a letter to Atticus he says that he left Vibo suddenly, because he there heard that the terms of the corrected *rogatio* did not allow him to stay within 400 miles of Rome, (III 4, *allata est nobis rogatio de pernicie mea, in qua quod correctum esse audieramus, erat eiusmodi, ut mihi ultra quadringenta milia liceret esse.*) For this reason he could not even go to Malta, which was in the jurisdiction of Vergilius. l. 18 *nihil est eorum*, 'nothing of this sort in the case.'

l. 20. sustinere] 'to hold out against.'

l. 21. iter—terra petere] 'to go from Vibo on a journey by land to Brundusium.' Cf. Liv. XLIV 2, 9 *cum adpropinquare hostem sciret, quod iter petiturus esset ignarus*, Ovid ep. ex Pont. III 2, 80 *quove parum fausta puppe petistis iter?*

a Vibone] Madvig Gr. § 275 *obs.* 1, Zumpt Gr. § 398 n. 1, Roby Gr. II 1258, Kenn. Gr. p. 403. Vibo (*Bivona*) was the Roman name for

the Greek town Hipponium, on the west coast of Bruttium, on the shores of the bay named after it sinus Hipponiates or Vibonensis, now the gulf of St Eufemia. Originally a colony of the Locri Epizephyrii, it was destroyed by Dionysius in B.C. 389 but restored by the Carthaginians in B.C. 379, soon after which it fell into the hands of the Bruttii. Upon the close of the second Punic war, the Romans colonised it, and gave it the name of Vibo Valentia. Cicero speaks of it (Verr. II 5 § 40) as an *illustre nobileque municipium*, and Appian B. C. IV 3, as one of the most flourishing cities in Italy. Its position rendered it a convenient place to touch at in passing from or to Sicily. Thus we find Cicero in B.C. 44 proceeding *a Vibone ad Veliam parvulo navigio*, and thence to Rhegium, Verr. II 2 § 99, cf. ep. ad Att. XVI 6, 1 *perveni...ad Vibonem octavo die e Pompeiano, cum unum diem Veliae constitissem*. The modern city Monte Leone occupies the same site.

Brundisium] the modern *Brindisi*, a town in Calabria on the coast of the Adriatic, colonised by the Romans in B.C. 244, was their chief naval station in those seas on account of the excellence of its harbour (*Brundisium pulcro praecinctum praepete portu* Ennius Ann. VI 53). It was the terminus of the *via Appia*, and its position, as the usual place of embarkation for Greece and the Eastern provinces, naturally rendered it the scene of many historical incidents during the end of the Republic and under the Empire. See *Dict. Geogr.* s. v. Vol. I p. 445. Cf. ep. ad Att. III 4 *a Vibone subito discessimus....Illo* (sc. fines lege praescriptos) *cum pervenire non liceret, statim iter Brundisium versus contuli ante diem rogationis, ne et Sicca, apud quem eram, periret et quod Melitae esse non licebat.*

l. 23. **hiemis magnitudo**] 'the severity of the weather.'

CHAPTER XLI

§ **97**, l. **24**. **in fide mea—essent**] 'owed me allegiance.' Cf. below § 97 l. 2, or. p. Rosc. Am. § 93 *quaere in cuius fide sint et clientela*, ep. fam. 13, 65, 2 *ea societas universa in mea fide est;* the expression is common in Caesar, B. G. II 14, VI 4, VII 5.

l. **25**. **magno cum suo metu**] § 90 l. 33. *metu*, objectively.

l. **26**. **Brundisium veni**] a. d. XIV Kal. Maias, i.e. April the 18th, as he himself records ep. ad Att. III 7, 1. Cf. p. Sest. § 131.

l. **27**. **unam mihi amicissimam**] § 95 l. 10. He means of course Brundisium itself.

l. **28**. **se vellet potius exscindi**] § 13 l. 2, § 80 l. 4. See cr. note.

e suo complexu ut eriperer] cf. or. p. Sest. § 53 *cum ego me e complexu patriae conspectuque vestro eripuissem*, or. p. Cael. § 59 *cum Q. Metellus abstraheretur e sinu gremioque patriae.*

facile pateretur] § 62 l. 31, § 63 l. 5.

l. 29. hortos] n. to de off. III § 58 l. 2.

M. Laeni Flacci] M. Laenius Flaccus was a friend of Atticus (ep. ad Att. V 20, 8; 21, 4). In the speech pro Sestio § 131 Cic. again refers to the kindness he and other members of his family had shown him, *cum me domus eadem optimorum et doctissimorum virorum, M. Laenii Flacci et patris et fratris eius, laetissima exciperet, quae proximo anno maerens receperat et suo praesidio periculoque defenderat;* also again in a letter to his family (ad fam. XIV 4, 2) *nos Brundisii apud M. Laenium Flaccum dies* XIII *fuimus, virum optimum, qui periculum fortunarum et capitis sui prae mea salute neglexit neque legis improbissimae poena deductus est, quo minus hospitii et amicitiae ius officiumque praestaret: huic utinam aliquando gratiam referre possimus! habebimus quidem semper.*

l. 30. omnis metus] 'every kind of fear,' because of the '*lex Clodia* quae poenam irrogabat eis, qui Ciceronem exulem inter 400,000 passuum tecto excepissent.' *Manutius* ad or. p. Sest. § 131. Wunder reads with two MSS *omnes metus*, comparing or. p. Sest. § 35 *sed me alii metus atque aliae curae monuerunt*, de harusp. resp. § 55 *iam omnes isti, qui portenduntur, metus exstinguentur.*

proponeretur] 'was denounced.'

l. 32. dimittere] § 94 l. 29.

P. 40, l. 2. exaudiens] exaudire signifies, not, as Halm supposes, 'to hear when there is the obstacle of space or something else in the way,' but 'not to fail to hear a person,' to catch what is said, whether the speaker be far off or near, e.g. ep. ad Att. IV 8 b, *dic, oro te, clarius; vix enim mihi exaudisse videor*, de legg. I § 21 *etenim propter hunc concentum avium strepitumque fluminum non vereor condiscipulorum ne quis exaudiat*, i.e. ne quis plane percipiat me hoc concessisse, or. p. Sull. § 33 *maxima voce ut omnes exaudire possint* (and § 34 *ut idem omnes exaudiant, clarissima voce dicam*) where see Reid's note, or. p. Ligar. § 6 *quantum voce potero contendam, ut hoc populus Romanus exaudiat*, or. p. Mil. *te appello et ea voce ut me exaudire possis.*

Dyrrhachium petere contendi] 'I made all haste to reach Dyrrhachium,' cf. above § 96 l. 22, Verg. Aen. I 157 *quae proxima litora cursu contendunt petere.* Garatoni refers to a letter from Cic. to his family (ad fam. XIV 1 § 7 *Dyrrachium veni, quod et libera civitas est* (ideoque lege Clodia non tenetur) *et in me officiosa et proxuma Italiae. Sed si me offendet loci celebritas, alio me conferam;* this letter however was not written on his first visit to Dyrrhachium but on his return thither, Nov. 26th, and so he writes again ib. ep. 3 § 4 *ego eo*

nomine sum Dyrrhachi (ab Thessalonica) *hoc tempore* (Nov. 30th), *ut quam celerrume quid agatur audiam; et sum tuto: civitas enim haec semper a me defensa est.* On his former visit he had not thought of going to Thessalonica, but to Cyzicus (*per Macedoniam Cyzicum petebamus* ib. 4 § 3, *nobis iter est in Asiam, maxime Cyzicum* ep. ad Att. III 4, dated April 19th, the very day of his arrival at Brundisium), his object being to get as far as possible from Rome.

§ 98, l. 4. **refertam—sceleratissimorum hominum**] For the genitive after *refertam* cf. or. de imp. Cn. Pomp. § 31 *referto praedonum mari*, or. p. Font. § 11 *referta Gallia negotiatorum est*, and see Madvig Gr. § 268 a *obs.* 1, Roby Gr. II § 1336. These were the *reliquiae* of the conspirators who had fled and dispersed themselves through Greece because of Cicero's proceedings.

l. 7. **cum tamen—viam**] 'notwithstanding they were still several days' journey off' and therefore I had time to avoid them.

l. 11. **aliquando**] 'at some time though not so soon as I might,' 'at length and high time too,' § 17 l. 26, § 33 l. 4, § 36 l. 12, § 47 l. 11. On the form *confiteare* see Mayor's note on Cic. Philipp. II § 19 l. 4 p. 74.

l. 14. **nam**] resumptive, as in Greek γάρ is occasionally used, see Shilleto on Dem. or. de falsa leg. § 107, and cp. above § 36 l. 12, Zumpt Gr. § 739.

l. 15. **lictoribus dimissis**] the quaestors were allowed lictors in the provinces, but not at Rome, as we learn from A. Gellius N. A. XIII c. 2.

insignibus abiectis] because his visit to Cicero was not an official one. By *insignia* we must understand the *toga praetexta*.

§ 99, l. 19. **rem—crudelem—nefariam**] sc. non per se, sed ob causam. ERNESTI

l. 21. **quaestorium**] sc. aedificium, 'the quaestor's official residence.' It is used of 'the quaestor's tent' in the camp by Liv. X 33, 9. The official residence of the governor of the province (which was always called praetorium, whatever his title) was closed to him, because L. Apuleius Saturninus, the propraetor of Macedonia in B.C. 58 (§§ 19, 28), was, like Vergilius, afraid to receive him.

l. 22. **nihil dicam amplius**] § 96 l. 15. l. 25. *sed qui, si* F. Ursinus.

l. 26. **ea subire et perpeti**] § 13 l. 5, § 79 l. 32.

§ 100, l. 27. **L. Tubero**] L. Aelius Tubero was one of Cicero's most intimate friends, as we learn from the speech p. Ligario § 21 where he says *domi una eruditi, militiae contubernales* (in the Marsic war), *post affines, in omni denique vita familiares; magnum etiam vinculum, quod eisdem studiis semper usi sumus.* He went with Q. Cicero to Asia as his legate in B.C. 60. Cic. speaks of him as a man of talent and cultivation (*homo cum ingenio tum etiam doctrina excellens*, or. p.

Ligar. § 10), and in a letter to his brother (I 1, 3 § 10) of his writing a history. The Academic philosopher Aenesidemus dedicated to him his Πυρρώνιοι λόγοι. We learn from Cicero's letters (as is shewn by Garatoni) when Tubero came to him, *Quintus frater cum ex Asia decessisset ante Kal. Maias et Athenas venisset Idibus Maiis* ep. ad Att. III 9. Tubero might easily have reached Thessalonica in June. Cicero remained there with Plancius, though he was uncomfortable and constantly thinking about leaving it for Epirus or Cyzicus (ep. ad Att. III 14. 2 *ego propter viae celebritatem et quotidianam expectationem rerum novarum non commovi me adhuc Thessalonica; sed iam extrudimur, non a Plancio—nam is quidem retinet—verum ab ipso loco minime apposito ad tolerandam in tanto luctu calamitatem*, cf. ib. 15 § 6, 16) until he finally decided Sept. 16th to visit Atticus in Epirus, 19 § 1. Still he did not leave Plancius until Nov. 13th, when he suddenly returned to Dyrrhachium, which he reached before the 26th, when he sent a letter to Atticus (III 22), partly written at Thessalonica. *Me adhuc Plancius liberalitate sua retinet iam aliquoties conatum ire in Epirum; spes homini est iniecta, non eadem, quae mihi, posse nos una decedere, quam rem sibi magno honori sperat fore; sed iam, cum adventare milites dicentur, faciendum nobis erit, ut ab eo discedamus.* So he writes to his family (XIV 1, 3) *Plancius, homo officiosissimus, me cupit esse secum et adhuc retinet; sperat posse fieri, ut mecum in Italiam decedat cet.*

l. 28. **decedens ex Asia**] § 65 l. 32.

l. 30. **me ire—comparantem**] 'when I was getting ready to go,' cf. Ovid Trist. II 2 v. 267 *si quis tamen urere tecta comparat, audaces instruit igne manus*, Vergil Culex V 205 *in requiem fessos dare comparat artus.*

l. 31. **eius provinciae—necessitudinem**] 'the friendly relations' between Cicero and Asia continued from the time when Cic. exposed Verres' delinquencies there. They were renewed later, when he procured for Pompeius the command in Asia, and repeatedly defended the interests of the farmers-general (*publicani*) in Asia.

P. 41, l. 1. abiecta quaestoria persona comitisque sumpta] 'throwing off his official character as quaestor and assuming that of a companion'; a metaphor from the mask used by players, which varied according to the different characters to be represented. Cf. the phrases *personam capere, demere, deponere, detrahere, gerere, induere, suscipere, sustinere, tenere, tueri.*

Peroration

§ 100—§ 104. *Cic. makes a pathetic appeal to the court on behalf of his client, the saviour of his life, to whom he had promised in his days of exile a grateful return from his countrymen for the services rendered to himself, and entreats the jury to fulfil that promise which he had made in full reliance on their generous sympathy with his own misfortunes—sympathy which an adverse vote would make him think he had forfeited.*

CHAPTER XLII

§ **101, l. 3. o excubias tuas miseras**] 'o wretched were those watchings of yours!' Cic. uses *o* with the accusative more frequently than with the nominative; the vocative is not found, because he seldom uses the interjection in direct addresses to persons. See Reid on de sen. § 66 l. 8. *Excubiae* means lit. 'lying out of the house,' 'a lying out on guard' especially at night by sentinels appointed to keep watch; *vigiliae*, a keeping awake in expectation of and for security against a threatened danger, *custodia* is 'watchful care.' Two of the three words are not unfrequently found together in Cic. as in or. p. Marc. § 32 *omnes tibi excubias et custodias pollicemur*, or. p. Mil. § 67 *si excubiae, si vigiliae*, or. Philipp. XII § 24 *haec mea sedes est, haec vigilia, haec custodia*, or. in Cat. I § 8 *coloniam meis praesidiis, custodiis vigiliisque munitam*, II § 26, Philipp. VII § 24 *cuius ego excubias et custodias mei capitis cognovi.*

l. 5. si quidem] 'if indeed,' expressing the avowed condition on which the adjectives *miseras, flebiles, acerbas, infelicem* are true. 'Lacrimosis lemmatibus iam perorat, adfectus animi sui cum varia miseratione proluens (promens *Madvig*), ut tantum auxilii reus habeat, quantum suo dolori patronus adiecerit.' SCHOL. BOB.

l. 6. mortuus] for si mortuus essem, Zumpt Gr. § 635 *note* 1, Madvig Gr. § 347 c, Kenn. Gr. p. 473 § 217, cf. n. to de off. I § 157 l. 3.

l. 9. praesentem] 'in person.'

l. 10. gratias relaturum] the plural *gratiae* is rarely used with *referre*, except when thanks are due or rendered by more than one person. Cf. or. Phil. III § 39 *senatui magnae curae esse ac fore, ut pro tantis eorum in rem p. meritis honores eis habeantur, gratiaeque referantur*, Plaut. Amph. I l. 28 *nae illi, si merito meo referre studeant gratias.* Hence Orelli followed by Hirschfelder would read *gratiam* in this passage.

sin—ademisset] for the tense see § 9, l. 27 n.

l. 11. peremisset]=impedisset, irritum reddidisset; cf. above § 90 l. 8, de off. III § 33 l. 7 n., or. p. Sest. § 49 *si causam publicam mea mors peremisset.*

hos] sc. iudices.

l. 13. quid—repetis] 'why do you claim the fulfilment of my promises?'

l. 15. pollicebar—promittebam] *polliceri* (from an old preposition *por* or *port* and *liceor*, cf. *porrigere, portendere*) is 'to offer,' 'engage

from a free impulse.' It is only found in Cic. in passages where a man undertakes to do a thing for himself, whereas *promittere* signifies 'to cause to expect,' 'to give hope or promise of,' whether in reference to oneself or another. Cf. ep. ad fam. VII 5, 4 *neque mehercule minus ei prolixe de tua voluntate promisi, quam eram solitus de mea polliceri*, where with regard to Trebatius, Cic. could only express his hope, with regard to himself he could actually promise, or. in Cat. I § 32.

l. 17. **vel vitae periculo**] abl. of attendant circumstances, with noun in the genitive case as predicate, § 67 l. 31, Roby Gr. II 1242. Cf. or. in Verr. V § 60 *in illo negotio non solum labore sed etiam periculo suo versabatur*, or. p. Sest. § 50 *periculo rei p. vivebam*.

l. 20. **lacrimas—reddere**] like *beneficium reddere* de off. I § 48.

acerbitatibus] cf. or. in Cat. IV § 1 *ut omnis acerbitates, omnis dolores cruciatusque perferrem*. On the use of the plural of abstract substantives see my n. to de off. I § 78 l. 3.

§ **102**, l. **21**. **quid possum aliud nisi**] sc. facere, Zumpt Gr. § 771, § 735, Roby Gr. II 1441.

l. 22. **te cum mea salute complecti**] i.e. ita te complecti, ut meam salutem cum tua coniungam, 'to link your life and interests with mine.' Cf. § 90 l. 3, or. p. Mur. § 2 *ut—beneficium populi Romani cum vestra—salute tueatur*, i.e. 'to the preservation of your safety.' On the meaning of *complecti* see n. to § 82 l. 26, or. p. Sest. § 146 *ego vero vos in omni fortuna—complectar*.

salutem tibi eidem—reddiderunt] eximius locus ad permovendos iudices. Procliviorem facit impetrandi facilitatem, constituens in eorum misericordia firmamentum salutis Cn. Plancii, per quos ipse sit reditum consecutus. Ita eleganter et pro se gratias agit, et huic pares humanitatis eventus deprecatur. SCHOL. BOB.

l. 24. **retinebo**] 'I will not let you go into exile.'

deprecatorem] takes here the genitive of a thing which it is sought to secure, as or. p. Sest. § 27 *deprecatores salutis meae* 'intercessors for my safety.' Elsewhere it takes a gen. of that which it is desired to avert by praying, e.g. or. p. Flacco § 1 *miseriarum deprecatorem*, or. p. Balb. § 41, § 42 *periculi deprecatores*.

l. 27. **non dicam—in me**] acuta inest simulatio modestiae. GARATONI

l. 28. **qui divellat ac distrahat**] 'to tear asunder by force,' § 13 l. 5, § 79 l. 32 n., § 99 l. 26.

l. 30. **deprecor**] 'I intercede in behalf of,' 'pray for,' cf. or. de leg. agr. II § 100 *nullae sunt imagines quae me a vobis deprecentur*, ep. ad fam. IV 7 § 6 *hic te unius lacrimae deprecantur*. Generally it means 'to intercede for the averting of any evil from one's self or another' = Gr. παραιτοῦμαι, as in de rep. VI § 2 *Claudi invidiam Gracchi*

caritas deprecabatur, or. p. Caec. § 31 *ut excusatione summae stultitiae summae improbitatis odium deprecetur*, quoted by A. Gell. N. A. VII (VI) 6 in his discussion on the meaning of the word. Cf. above § 3 l. 7.

l. 32. **mecumque vos simul—deprecamur**] valde copulatis utrimque personis et in patre sine dubio plurimum constituit miserationis, et sibi eandem vim sollicitudinis vindicavit; quasi uterque Cn. Plancio pater sit, alter natura, alter officio gratiosus. SCHOL. BOB. On *miserrimus et optimus* cf. or. p. Sest. § 7 *duxit uxorem patre vivo optimi et calamitosissimi viri filiam*, where, as also in this passage, Ernesti and others would read *at* for *et*.

l. 33. **parens**] Intr. § 4.

P. 42, § 103, l. 1. per vos] sub. oro vos. Cf. Liv. XXIX 18, 9 *per vos fidemque vestram*, XL 9, 7 *per te patriumque nomen precor*, where Weissenborn retains the MSS reading, though Gronovius omits the *que* in both passages, Verg. Aen. X 369 *per vos et fortia facta*, ib. 597 *per te, per qui te talem genuere parentes*, Lucan X 370 *per te—perque ictum sanguine Magni foedus ades*.

l. 3. **quos suscepi**] i.e. quorum inimicitias suscepi, cf. de off. I § 28.

l. 4. **eius**] dependent on, not in agreement, with *salutis*.

l. 5. **animum meum debilitare**] 'to cripple,' 'to dishearten my feelings,' or. in Cat. III § 10, or. in Pis. § 88, de orat. I § 121 *fractum ac debilitatum metu*.

l. 7. **id a vobis ei persolvere**] metaphorically. Persolvere alicui aliquid ab aliquo is 'to pay a man by a draft on another,' so or. p. Flacco § 46 *cum iste se pecuniam, quam huius fide sumpserat, a discipulis suis diceret Fufiis persoluturum*, ep. ad Attic. V 21 § 11 *homines hoc dicere se a me solvere*, VII 18 § 4 *Quintus frater laborat, ut tibi, quod debet, ab Ignatio solvat*.

§ **104, l. 8. C. Flave**] § 43, Intr. § 32. The full name of the *Quaesitor*, who presided at this trial, was probably Gaius Alfius Flavus.

l. 11. **florentem**] § 64 l. 16 n. Cf. Soph. Antig. 703 τί γὰρ πατρὸς θάλλοντος εὐκλείας τέκνοις ἄγαλμα μεῖζον; Phil. 420 μέγα θάλλοντές εἰσι νῦν ἐν Ἀργείων στρατῷ, Xen. Mem. II 1 § 33.

l. 15. **magno in metu meo**] 'notwithstanding my grave apprehension' for Plancius' welfare. See above § 5 l. 29 n.

vos—in me] i.e. vos eosdem in hunc, qui conservari meretur, futuros esse, qui fuistis in me, id est, vos eosdem huic salutem daturos esse, qui mihi reddidistis, cf. § 102. W. *In me* may either be for *erga me* or for *in me conservando*.

l. 17. **istis vestris lacrimis de illis recordor, quas cet.**] 'by those tears of yours I am reminded of, I think upon, the others which etc.' Cf. or. p. Sest. § 1 *de unius cuiusque casu cogitando recordari*, or. p. Ligar. § 35 *te aliquid de huius illo quaestorio officio recordari*, de inv. I § 108 *petimus ut de suis liberis aut parentibus aut aliquo qui illi debeat carus esse, nos cum videant, recordentur.*

l. 18. **saepe et multum**] 'many a time and oft' not, as Long translates it, 'often and copiously.' Cf. de legg. III § 33 *in re difficili ac multum et saepe quaesita*, de inv. I § 1 *saepe et multum hoc mecum cogitavi*, or. p. Quinct. § 3 *in hac causa multum et saepe versatus*, de off. II § 20 l. 24. Cf. the phrases *multum et diu*, *diu multumque*, which are very common in Cic.

END OF THE NOTES

APPENDIX ON THE TEXT

A. *General Remarks*

The text of this edition of the *Planciana* is founded mainly upon that of C. F. W. Müller as given in Vol. III Part II of the excellent edition of Cicero's works in the *Bibliotheca Teubneriana*, 1880—86. Müller's text is based upon two principal MSS: one (**T**) from the monastery of Tegernsee in Bavaria, now in the library of Munich (cod. Lat. 18787), first collated for Garatoni. It was lost sight of for half a century, but luckily fell into the hands of Baiter[1], who bought it from a bookseller in Paris, whither it is said to have been taken from Hungary. It is probably not earlier than the 11th century. (A specimen page of this MS is given by Chatelain in his *Paléographie des classiques latins*, Pl. XXVII). The second (**E**) was formerly at Erfurt, and is now at Berlin. Both are derived apparently from one and the same original, which was corrupt and interpolated. Thus in ch. X § 26 **E** alone preserves the true reading *civili ferro*, all the other MSS have *civili errore*, and in ch. XXXIV § 83 all MSS present the faulty reading *ex illo ambitu traxisse*, for *exsilio ambitum sanxisse*.

There are twenty-four MSS besides these which have been accurately, and nine which have been inaccurately collated; of the former *Laurentianus tertius* (Lc), the third of those of the Medici Library at Florence, is pronounced by Wunder to be the best, as it agrees more often than any other with **T** and **E**. None appear to be older than the 15th century, and they are all incomparably inferior to **T** and **E**. Wunder points out that there are only two passages in the whole speech, in which any one of them gives the right reading where **T** and **E** have a corrupt one, viz. § 47 where the latter have *nam* for *iam*, and § 95, *in quo* for *quod*.

The most ancient Commentary on the Text is contained in a folio now in the Ambrosian Library at Milan, to which it was brought from the famous monastery of St Columba at Bobio about the beginning of the 7th century. It is a *codex rescriptus* or palimpsest (the superinduced MS containing a Latin translation of a portion of the Acts

[1] Preface to Orelli's Cic. ed. 2, Vol. II, Pars II, p. v—vi.

of the first council of Chalcedon), which Angelo Mai discovered had been made up from ancient MSS of Symmachus' speeches, M. C. Fronto, Plinii Panegyricus and fragments of the four lost speeches of Cicero *in Clodium et Curionem*, *de aere alieno Milonis*, *de rege Alexandrino*, together with an old and valuable Commentary on these and on the four extant speeches *pro Archia*, *pro Sulla*, *pro Plancio* and *in Vatinium*. But a further discovery awaited him, for upon his return to Rome he detected in the Vatican a palimpsest, which evidently formed the first part of that very MS of which the Ambrosian library contained the second, ending in the speech *pro Plancio* with the word *adversus* ch. IX § 22, while the Milan MS begins with the word *Tusculanos* (see notes p. 73). The MS was judged by Mai to be of the fourth or fifth century. Part of these Scholia Bobiensia, as he called them, was published by him at Milan in 1814 and the complete MS in 1817. The commentary is imperfect[1] and, so far as this speech is concerned, the text of some passages only of it is quoted for illustration and explanation. There is no doubt that the Ambrosian palimpsest is not only older than any known MS of the text of Cicero, but derived from a better and more trustworthy original.

Besides Müller's edition I have made constant use of the following also:—

I. C. Orelli Ciceronis Opera ed. 1, Zurich, 1826,

—— ed. 2 by J. G. Baiter and C. Halm, Zurich, 1856.

M. T. Ciceronis orationes selectae XIX in usum scholarum ediderunt A. Eberhard et W. Hirschfelder ed. 2. Leipzig. 1878.

M. T. Ciceronis Opera quae supersunt omnia ediderunt J. G. Baiter, C. L. Kayser. Lipsiae. B. Tauchnitz. 1860—1869.

Ciceronis oratio pro Cn. Plancio ex optt. codd. fide emendata, cum integro commentario Gasparis Garatonii selectisque scholiastae Ambrosiani reliquorumque interpretum adnott. quibus suas addidit I. C. Orelli. Lipsiae. G. Fleischer. 1825. 8 mai.

[This edition contains the whole of the excellent commentary of Garatoni reprinted from the ninth volume of his edition of Cicero's works, Naples, 1786, and from his *Curae secundae* published after a collation by J. C. Harless of the valuable Tegernsee MS. It fully deserves the praises which the eminent Dutch scholar J. Bake bestows upon it in his review in the Bibliotheca Critica Nova Tom. III. p. 57—p. 88, where he writes:—'Garatonii rationem interpretandi satis praedicare non possum: adeo nihil est quod in eo desideres, Latinitatis scientiam cum universam, tum praesertim consuetudinis Ciceronianae, historiae et antiquitatis diligentem investigationem, iudicium acerrimum et insignem disputandi prudentiam, quae bona commendat insuper sermo Latinus elegantior quam quo multi hisce temporibus Ciceronis interpretes utuntur'.]

Cic. or. pro Cn. Plancio: ad optumorum codd. fidem emendauit et interpretatt. tum aliorum tum suis explanavit Eduardus Wunderus. Lipsiae, 1830. 4.

[1] The complete commentary was contained in 64 pages, 28 of which are missing. 36 only are preserved.

[editio critica egregia. ORELLI. It contains Prolegomena pp. xcvi., a complete apparatus criticus, and explanatory and illustrative notes partly original, partly selected from the best commentators, Ernesti, Ferratius, Garatoni, Graevius, Lambinus, Manutius, Orelli, Weiske, including the *Scholia Bobiensia*.]

Ciceros Rede für Cn. Plancius für den Schulgebrauch erklärt von Dr Ernst Köpke. ed. 2. Leipzig, B. G. Teubner. 1873 8 mai.

[This and Wunder's excellent edition have rendered the commentator's task comparatively easy. Köpke has availed himself of the most recent *subsidia critica*, such as those of J. Koenighoff (*Criticon et Exegeticon* pars III. Trier. 1861), H. Keil (*observationes criticae in Ciceronis orationem pro Plancio*, Erlangen 1864, 4to), A. Koch (Rheinisch. Mus. Vol. XIII.), C. G. Cobet (Mnemosyne, Vol. XI., pp. 199, 203, 313—333, Amsterdam, 1862), J. Jeep (Jahrbücher für klass. Philologie, 1857), J. F. C. Campe (Jahrb. für klass. Ph. pp. 265—273, 1867). Dr Landgraf, the learned Editor of the Speech *pro S. Roscio Amerino* has considerably improved Köpke's text in the 3d Ed. 1888, and thrown light on several passages by his interpretation.

L'orazione di M. Tullio Cicerone in difesa di Cn. Plancio commentata da G. B. Bonino. Torino. E. Loescher. 1887.

B. *Critical Notes*

ABBREVIATIONS

Ba = Baiter	Ka = Kayser
Co = Cobet	Kl = Klotz
Eb = A. Eberhard	Kö = Köpke
Ern = Ernesti	Lb = Lambinus
F = Ferratius	La = Landgraf
Ga = Garatoni	Mu = C. F. W. Mueller
Hm = Halm	Or = Orelli
Hf = Hirschfelder	W = Wunder

§ 2

P. 1, l. 19. videre is clearly a late addition, La after Keil *Obs.* p. 12. Cic. always says *salvum cupere* or *velle*.

P. 2, l. 6. pietatem] Campe, followed by Kö², reads *probitatem*: cf. § 29 l. 14.

§ 6

P. 3, l. 18. si te...dixero] Karsten reads *aut te a Plancio aut a te illum dignitate potius superari dixero;* Landgraf, *aut te a Plancio aut a te illum dignitate potuisse superari dixero*, cl. p. Mur. § 15. In **T** *aut* before *a* and also *potuisse* are missing.

§ 7

l. 21. tu magistratuum] So Müller and Landgraf, following Lehmann *Hermes* 1879 XIV 217; *quid? tu magistratuum dign.*, Luterbacher Jahresbericht p. 230 conj. *quid? tu in campo* (cl. § 16 suggested before by Kl²) or *comitiis* (cl. § 9). *Tu magni* **T**; *tum? An* **E**, *tu inanem* v. *ne manem* rell. Other conjectures are *tu idoneum* Schütz, *tune acrem* Kl, *tu candidati* Jeep, *tu aequum* Lb Cobet, *tu in magistratibus* Madvig Adv. II 230.

l. 22. The whole of this and the next section from *fortasse* to l. 13 p. 4 *attingere*, are bracketed as spurious by Kö[2] after Campe, who includes likewise the previous sentence *itaque discedam* l. 19 in the bracket.

l. 27. dignitatis iniquus iudex] Hf reads *dignitatis is*, which makes the meaning clearer, clear as it is, though strangely mistaken by Mr Roby, who in his elementary Grammar (1862) translates the passage 'For as regards the people, it is always an unfair judge of worth, for it is either envious or partial.'

§ 8

P. 4, l. 4. vel quod] *vel* is bracketed by Ka, omitted by Kö[2], Cobet (Mnemos. XI p. 264) omits *quod:* for *vel quod* Hm conjectures *id quod*, Hf *atque id*. Needlessly; the words refer to what follows *tum enim magistratum* etc., as Mu rightly explains.

l. 7. exitio]=damnatione)(salute. So Cobet Mnemos. Nov. Ser. Vol. VIII p. 189, followed by Kö, for the vulgate *exilio*.

l. 8. *quoniam* Kl Mu La after Keil; *quamquam* edd. from inferior MSS; *iam qm̃* **T**; *iam quõ* **E**.

§ 9

l. 19. iudicatum] La Mu vulgo; Karsten reads *iudicium latum* because of the *hoc*, which follows.

l. 24. dilectu] so Ba Ka Kl La Mu with **T E** : Orelli Wunder and Kö have *delectu*.

§ 11

P. 5, l. 12. Alterum *nostrum* om. codd. praeter **T E**, Cobet Kö[2].

§ 13

P. 6, l. 2. inquit] videtur mihi *inquiet* scribendum. W.

l. 4. eo plus aberat] So **T E** Ka Kö Mu La; *eo plus aberas* Ba W Or; *eo longius aberas* Hf; *eo plus aberat a me, cur te non videbam?* Mg adv. cr. II 230 probante Hf; *desiderabaris* Campe. **cum te non videbam T E**, *mecum te non videbam* Ba Fritzsche Hf; *certe te non videbam* W after Garatoni, *certe non videbam* Or with the inferior MSS, *avebam, tamen te non videbam* Jeep.

l. 5. reliquisti T E : *dereliquisti* Or Kö, approved by La Mu.

l. 8. iudicasti codd. paene omnes; *indicasti* W Mu La.

l. 10. ego quoque Mu vulgo: *ego vero* La c. Weidnero.

l. 11. revocavi—servaras] Campe, followed by Kö, would read *reservavi—reservaras*. The words *inquiet populus Romanus* are bracketed by Cobet l. c. p. 315 and Hf, omitted by Kö, but not by La.

l. 14. iudi] Ernesti's certain correction for *iudi* the reading of **T** and *iudices* that of **E**; for, as Garatoni points out, I and L are often con-

founded in the MSS and *iudices* is often written compendiously *iud.* We have an instance of a similar confusion in or. in Verr. I § 54 where all the MSS have *iudiciorum* for *ludcrum.*

§ 14

l. 25. All editors since Manutius are agreed about the spuriousness of the words *supplicatio magistratuum*, which afford no tolerable sense in themselves and are entirely out of place here. *Supplicatio* was probably a marginal gloss upon l. 24 *quod populo supplicetur*, and *magistratuum* upon *renuntiatio.* The MSS have *renuntiatio suffragiorum.*

Or Ba Ka Long follow Garatoni in bracketing *suffragiorum*, Kö² Hf transposing read *nihil quod diribitio suffragiorum, nihil quod renuntiatio.*

l. 26. simul ut] Hf adopts Baiter's conjecture *simul atque.*

§ 15

P. 7, l. 7. tanto nos in impetu] so Mu La; *tamen nos impetu* **T E**; *tamen nos in impetu* Kö²; *tamen in tanto nos* Kl; *tanto nos* W with eleven inferior MSS; *in tanto nos* rell. codd.

§ 16

l. 12. ut fiat] omitted by Garatoni and W.

l. 17. si dicerem] bracketed by Ern.

l. 18. num quid] so Or Ba Hf La, who rightly regards the words *num quid assequerere* as the apodosis of the protasis *si dicerem.* The reading of **T E** is *nunc quid.*—**adsequerere**] Wolf Ba Or Ka Hf La. Wunder however, followed by Kö Kl Mu retains the MSS *adsequerer* observing: 'sensus totius loci est: Nolo autem dicere, Plancium non recte esse factum; nam nihil lucrarer, si ista extrema defensione uterer, populum quod voluisset fecisse, non quod debuisset; qua ratione non satis defenderem Plancium sed ferendum tantum populi factum ostenderem. Volo vero omnino defendere Plancium ac docere, recte aedilitatem a populo esse adeptum. Ad id ipsum autem docendum adgreditur cap. sequenti.'

§ 17

l. 21. quoque] omitted by La after Campe, bracketed by Hf.

P. 8, l. 2. et ab eo] Köpke² reads *sed ab eo* because *neque—neque* precedes, as though *et* were never used in an adversative sense, see n. on § 92 l. 1, Dräger Hist. Syn. § 311, 10.

§ 18

l. 6, 7. sed non hic magis—vincebar] this clause is considered by Kö² after Campe to be an interpolation: Hf reads *videlicet* for *sed.*

§ **19**, l. 17. **tot quot**] W Madvig Mu La: *tot* **T E**.

l. 21. **utrum**] Köpke after Cobet p. 203, 317 reads *utros*, omitting the words *Atinatis an Tusculanos*.

l. 29. **suorum municipum**] Cobet W Kö La omit *municipum*.

§ **20**, l. 31. **quid ego de me, <quid> de fratre meo**: Graevius, Cobet Kö La.

l. 32. **favebant**: Schol. Vat. Ba Ka Hf: the reading of **T E** is *faverunt*, which is retained by Or W Kö Mu La.

P. 9, l. 1. **municipe suo**] Cobet, Hf bracket, Kö La omit.

§ **21**

l. 9. **fortissimorum est, sic ut**] so Mommsen and Ka; Hf has *fortissimorum sic ut* with the MSS; so Mu and La.

§ **22**, l. 21. **amanda**] *imitanda* Karsten; *admiranda* La.—**officii rationem**] W e coni., Kl Ka Kö La: *officii morem* Ern Ba Hf Mu; **T** has īntē (or m̃tē).

l. 26. **nostra illa**] Or W Mu La: *anostra ita* **T E**, which Baiter reads *ea nostra ita*.

l. 29. **ex municipiis**] so W Ba Mu La. Some of the MSS, but not according to Baiter **T E**, have *a municipiis*, which Orelli adopts; this would mean that men are sent on the part of the *municipia* and by the *municipes:* whereas *e municipiis* means simply 'from,' 'out of the municipia.' Cf. or. in Verr. I § 7 *videt etiam tot gravis ab amicissimis civitatibus legationes cum publicis auctoritatibus ac testimoniis convenisse.*

l. 30. **[legatione]** Mu La after Weidner. *legatione et testimonio* edd., codex nullus.

§ **24**

P. 10, l. 13. **quia pro filio**] Kayser would read *quod pro filio.*

l. 17. **dicam**] So Wunder and Mu with the Ambr. Sch. W. quotes instances to show that Cicero always uses *dicam*, and not *dico* (=*dicturus sum*) in this form of expression: e.g. or. p. Cluent. § 51 *sic pugnavi—ut hoc, quod timide dicam, consecutus sim, nequis illi causae patronum defuisse arbitraretur*, or. Philip. XII § 24 *timide hoc dicam: scio enim quidvis homini accidere posse.* So *vere dicam* below, § 64 l. 20, de legg. II § 4, or. in Rull. II § 10, de or. II § 15, or. in Verr. II 4 § 32, or. p. Sest. § 22.

§ **26**

P. 11, l. 9. **votis omnibus lacrimisque cet. T E**, Kö Ba Ka Hf; Madvig reads *votis ominibusque et lacrimis*, Lb Or *lacrimis votis ominibusque*, W *votis ominibusque*, omitting *lacrimis*, *votis ominibus lacrimisque* Mu La.

§ **27**, l. 17. **honori**] Bake would read *honoris*.

l. 25. **magnis**] this is the obvious correction of Pantagathus adopted by all editors for the reading of the MSS *magni*.

l. 31. **qualem**] Keil *l. c.* p. 8 proposes *qui qualem:* so La Mu.

§ **29**

P. **12**, l. 22. **atque**] Or W Kl Kö read *atqui* with the inferior MSS. See a good note of Kühner on Tusc. III § 4 p. 243. W and Ka bracket *indicia* and l. 23 *haec*, as interpolations; Kö[2] omits the words altogether.

l. 24. **futtilis**] So La Mu after O. Müller; *facilis* MSS; *fallax* Campe Hf Kö, *fragilis* Bake.

l. 26. **non in manus sumitur**] W Ka La bracket and Kö omits these words, as being merely an explanation of *attrectatur;* but surely a man may be said *attrectare* a thing without taking it into his hands.

§ **30**, l. 27. **tam externis quam domesticis**] so **E**, Ern Ba Kl[2] Ka Mu. **T** has *quā—quā* which is for *quam—quam*, Lb Or Kl and W *qua—qua* 'partly—partly,' but I do not find any instances of *qua* partitive in the speeches of Cicero, though it occurs in his letters.

l. 28. **generis—et nominis**] So with **T E** Kö W Kl Or Mu; Ba Ka Hf adopt Garatoni's emendation *genere—et nomine*. 'Si Cic. scripsit genet., concedere noluisse videtur toto genere totoque nomine inferiorem esse Plancium, sed quasi quibusdam partibus.' C. F. W. MUELLER.

P. **13**, l. 3. **dicis**] **T E** have *dicas*, whence Mu conj. *dictitas*.

l. 4. **impunitum in maledicto mendacium**] *impunitum maledici hominis mendacium*, Cobet's emendation, is adopted by Hf.

§ **33**

P. **14**, l. 1. **libertatem equitis Romani**] Wunder considers these words to be a gloss upon *hoc*, Köpke omits them.

l. 8. **[et libere]** wanting in Schol. Bob.; om. by Garatoni Weidner and La with the approval of Mu.

l. 14. **salutasset et ut fit dixisset**] so Ba Ka Kö Mu, *salutasset ut fit dixisset* **T E**, *salutasset ut fit dixissetque* Or W Klotz. Perhaps *et* and *dixisset* should be omitted altogether.

l. 17. **nostra**] **T E** W La; *vestra* Garatoni Ba Ka Kö Hf Mu.

§ **35**, l. 30. [*ego—conferuntur*] Koenighoff Kö[2].

P. **15**, l. 3. **stomachor**] *stomachor vero* Kl with all the MSS except **T E**; *sed stomachor* Cobet Kö.

l. 10. **hunc**] Hf after Cobet reads *tunc;* so Kö but not La nor Mu.

§ 36

l. 13. **quae est de sodaliciis**] Ba Ka bracket these words.

l. 15. **es secutus**] *esse secutus* **T E**, whence Cobet (Mnem. III p. 231) conjectures *es assecutus*.

l. 20. **iudicum**] Lb Co Kö[2] Mu; male Madvig *Adv.* III 148 *iudiciorum*, probante La.

§ 37

l. 25. **cuiuscumque tribus**] Kö Hf adopt Cobet's emendation *cuius quisque tribus*. Kö La after Keil bracket *tum* l. 24.

l. 27. **quam quisque tribum—corrumperet**] bracketed by Hf after Cobet, omitted by Kö but not by La nor by Müller who observes 'est haec sollemnis illa legum ac senatus consultorum ubertas orationis.'

l. 31. **si vel**] Kö after Cobet reads *si cui vel*.

§ 38

P. 16, l. 4. **eam tribum profecto**] Cobet Kö omit *tribum*.

l. 8. **Oufentina**] Ba Ka Hf; **Ufentina** Or W Kl Kö with the MSS.

Clustumina] so MSS here and or. p. Balbo § 57, but *Crustuminus* is the form found in or. pro Flacco § 71.

§ 40

l. 19—l. 23. **tu me ignaro—iniquos**] W Cobet Campe Kö Mu bracket the whole of this passage as spurious: Hf suggests *atque inimicos* for *vel iniquos*, but cf. § 57 l. 17. La reads *tum* for *tu* and omits *vel* before *iniquos*.

§ 43

P. 17, l. 21. **et si**] Hf reads *aut si;* Kö after Keil *vel si; ut si* **T E**.

l. 22. **quem habet**] om. by Kö after Cobet.

§ 44

l. 28—l. 31. *neque—senatus* Campe Köpke neglecta particula *nunc* putantes laudari consilium Laterensis. MUELLER.

l. 33. **repudiarent**] bracketed by W Keil, om. by Kö La with the approval of Mu.

P. 18, l. 3. **sanciri**] the necessary correction of Manuzio for *sancire* because the senate could not be said *sancire leges*.

§ 45, l. 10. **expectent**] Co Kö Hf Mu La; *respectent* codd.

l. 11. **antiquitatis**] Hf after Campe reads *humanitatis:* so Karsten.

l. 16. **iram**] Cobet's emendation for the vulgate *vim*, adopted by Kö Hf La: Müller reads *odium*.

excitarunt] E vulgo; *excitarent* T Ka.

§ 46

l. 22. **cumque**] Ka Hf with T have *cum*.

l. 23. **cum scientia**] Cobet suggests *conscientia*.

§ 48

P. 19, l. 26. **adversario**] bracketed by Ka.

§ 49

P. 20, l. 4. The common reading is *ut nemo umquam prior eam tulerit quin renunciatus sit aut eis ipsis comitiis consularibus* (cod. *consul*). I have adopted with Hf the transposition suggested by W. Paul.

§ 50

l. 15. **ad te conversura**] Kö Hf read *se ad te conversura* with Cobet; *ad te* <*se*> *conversura* Mu La. l. 21. **secundo** <*loco*> Hf Mu.

§ 51

P. 21, l. 5. **duabus aedilitatibus repulsus**] this is the reading of E adopted by Or W La. Most editors retain the vulgate *duabus aedilitatis acceptis repulsis*; so Mu.

§ 52

l. 16. **consolandi tui**] Kö with Cobet omits *tui*; La and Mu keep it.

l. 25. **de summa re publica**: so TE; but W Ka and Hf read *de summa rei publicae*.

§ 53

l. 31. **movebunt**] Ka after Ernesti has *demovebunt*.

l. 32. **dubitatis**] Mu with W favours the reading *dubitabitis* from schol. and some MSS.

P. 22, l. 6. **viderent**] *vidissent* pro *viderent* scribendum propter grammaticam. KÖPKE. There is no necessity whatever for change: such irregularities are common in conditional sentences, see Mr Reid's n. on de am. § 13 l. 14.

§ 54, l. 17. **rogatus**: Karsten conj. *provocatus*.

§ 55

l. 25. **atque**] Hf reads *atqui*; but see above § 29 l. 22 n.

P. 23, l. 4. **suis testimoniis**] bracketed by W, om. by Kö.

§ 57

l. 17. nostri iniqui] Kö and Hf after Cobet have *nostri inimici:* see n. to § 1 l. 6.

l. 20. nihil citius] Wunder brackets; Kö omits *nihil.*

l. 22. aut quid erit eius modi] Wunder brackets; Kö omits *quid.*

l. 23. qui audierit autem] Baiter was the first to suggest *autem* which he places before *audierit,* he is followed by Ka Hf. If *autem* be placed after *audierit,* the omission is more easily accounted for by reason of the following *aut.* Kö reads *si qui audierit;* he is followed by La and Mu, the latter suggests also *quique,* as simpler.

§ 59

P. 24, l. 11. familia] *e familia* ex uno cod. **E** Ka.

l. 17. grandis] the emendation of Klotz (Fleckeis. ann. 1865 p. 803 sq.) for the vulgate *gravis,* which some editors omit with Cobet, others retain.

quae rex ille] the two best MSS have *quare ille:* the correction is due to Klotz.

l. 19. nonne—invideant del. Mu auctore Madvigio Adv. II 231: *bonis. Sed quod multi invideant, cetera. Quae* Kö.

l. 21. scripsit non] Kö after Cobet omits *scripsit.*

§ 61

P. 25, l. 11. triumpharint] Mu post Lambinum; *triumpharant* **T E.**

l. 12. in quibus triumpharent] so Hf after Wex (Fleckeisen ann. 1865 p. 268). Mu reads *in quibus re bene gesta triumpharent, propterea triumpharint.*

l. 14. tribunus militum] Mu brackets *militum* after Cobet Hf.

§ 62

l. 20. reprehenduntur Mu vulgo: *requiruntur* temere Cobet Hf Madvig. 'Ars in aliquo reprehenditur etiam si is parum habet artis, ut *officium accusatur* (Fam. II 1, 1) eius, qui non satis officiosus videtur' (MUELLER).

§ 65

P. 26, l. 28. decedens e provincia] omitted by Kö in obedience to Campe.

§ 67

P. 27, l. 29. amicis] *amicitiis* Kraffert.

§ 68

P. 28, l. 7. hoc Or Kö Mu La.

l. 10. is T E Mu La; *aes* al. codd. W Mg Adv. II 587 n.

§ 71

P. 29, l. 10. at ego nimis] Kö reads *at enim nimis ego* with **E** and Orelli (1826). He is followed by Mu and La.

l. 13. inquit] malit *inquis* Ka.

l. 28. molestia] so Hf Ka with **T E**; W Mu and La have *modestia* with the inferior MSS, which is interpreted ironically as if Cicero's enemies had shown a certain 'moderation and forbearance' in their hostility.

§ 72

l. 33. mentiri] Ka after Baiter has *ementiri*.

§ 73

P. 30, l. 19. vitae tuae] Hf brackets *tuae*; Wex suggests *tum*.

§ 75

P. 31, l. 14. quod addidi cum Mu. **l. 15. dici T E** Mu; *dicere* Cobet, Hf La. **l. 17. is in causis** Or Mu La vulgo: *in his causis* **T E**.

§ 77

l. 29. videri? Mu La: vulgo *videri*.

l. 33. sicuti Plancio] so Ba Ka Hf with Lb: *sicut in* **T E**, *sicut Cn. Plancio* Or Kö Mu.

P. 32, l. 6. populo Romano ei gratiam referre] so Garatoni, Or Ba Ka Kö Hf; *populo R. et gratiam referri* **T E**; *populi R. ei gratiam referri* Ern; *a populo R. ei gratiam referri* Klotz.

§ 78

l. 17. atque] *atqui* Or Kö. See above § 55 l. 25, § 29 l. 22.

l. 23. gratia malit abesse Mu, item Karsten.

l. 24. propriae] so Hf, Kö after Keil: the MS reading is *propter*, which Hm Mu retain, taking it adverbially, as in or. de imp. Cn. Pomp. § 13 *vident...eum propter esse, quo etiam carent aegrius.* A. Koch ap. Köpke suggests *saepe conturbor propter aliquorum—contentiones.*

§ 79

l. 30. laus aedilitatis] Muellero delenda videntur.

§ 80

P. 33, l. 3. omnibus me virtutibus] *omnibus v. me* Hf Mu La.

l. 4. haec est enim] *haec enim est* **T** Ka Kl Hf; see on § 5 l. 33 p. 48.

§ 82

l. 25. nimium [gratum] Keil Kö *gratum* eiciunt: [gratum] Mu.

§ 83

P. 34, l. 4. frequenter] omitted by Kö after Campe; not by La.

l. 13. non—videtur] *nonne—videtur* Hf Ka Mu La.

§ 84

l. 16. Vaccaeis] *Barcaeis* Niebuhr.

§ 86

l. 33. sed sunt haec leviora] Wunder omits *sunt* as at variance with Cicero's usage, see Nägelsbach lat. Stil. p. 509.

P. 35, l. 6. tribunicius me—viceram] Campio inconcinna videntur et plane inepta. KÖPKE. Landgraf retains the passage.

l. 11. quorum alter—emptis provinciis] omitted by Kö after Campe, but not by Landgraf.

l. 15. religiosis altaribus] *in religiosis a.* Ba, comparing or. p. Mil. § 72. Halm conjectures *stupris religiosis altaribus* <*inlatis*> comparing har. resp. § 8 *qui pulvinaribus Bonae deae stuprum intulerit.*

l. 16. acerbissime] *acerrime* Lambinus, Ernesti, wrongly for, as Wunder remarks, 'non convenit de magnitudine clamoris sed de acerbitate, quem omnibus bonis clamor iste iniecerit, Ciceronem hic loqui.'

§ 87

l. 18. at erat] so W Ba Ka Hf Kö: *aderat* Or with **T E**. The whole of this section to *potuisse confiteor, sed* is bracketed as spurious by Kö following Campe, but not by Landgraf.

l. 20. sed] malit abesse Ka.

l. 32. id mihi ipsi] *id mihi ipsum* **T**; 'verbum oppositum *ceteri* manifesto indicat Ciceronem *id mihi ipsi* scripsisse.' W.

l. 33. quibus a servis—exitiosum fuisset] bracketed by Köpke as spurious, but not by Landgraf.

§ 88

P. 36, l. 4. [quem profecto non videbam] These words are not found in **T E**. Wunder maintains that, if they are omitted, there is a want of connexion between this sentence and the following. Müller following Baiter, Köpke, Klotz and Hirschfelder brackets them.

fuissent—fortes consules] so Garatoni W Kl Ba Ka Kö Hf; *fuisset—fortis consul* **T E** Or.

l. 9. ceperat] this is the reading found in **T E**. Orelli, Wunder and Long prefer *sumpserat*. W has a long note on the difference be-

tween *capere* and *sumere arma:* he says, '*capere arma* dicitur is, qui arma non iacere patitur sed adtingit iisque instructum se reddit, ut aut impetum aliorum a se defendere aut ipse alios impetu petere possit; contra *sumere arma* dicitur, qui, ubi solutast eligendi optio, utrum arma capere an aliam agendi rationem inire velit, armis potissimum utitur, ita ut nunc quod non exspectatum fuerit, nunc quod cum deliberatione factum sit, fecisse significetur, qui *arma sumpsisse* dicitur.' 'Totum hunc locum depositum' says Köpke 'sanasse sibi visus est Campius p. 273, cum hunc verborum ordinem constitueret: *Dixisti enim non auxilium mihi—quis nescit? erat non iure, non legibus—fuit dimicandum. Vinci autem improbos—esse defendit. Consules post hominum memoriam taeterrimi atque turpissimi—servi in dominos armabantur. Nihil dico amplius—videbam. Hisce ego auxiliis salutis meae si idcirco defui cet.*'

l. 10. **esset—consulibus**] bracketed by Kö after Campe, not by La.

§ 89

l. 23. **ob illam causam quod**] so Klotz and Baiter, Hf has *ob id ipsum.* In **T E** we find *ob illam quod:* Landgraf proposes <*constantiam*>, the reading of Monac.[2], followed by *quo.*

l. 25. **gloria et laude**] most editors: *gloriae laude* **T E** Ern.

§ 90

P. 37, l. 8. in me retinendo] *retinendo* codd. delevit Köpke, ut additamentum, secl. Wunder Ba Ka; *restituendo* coni. Garatoni.

l. 12. **consulum**] expunxit Kö post Cobetum.

§ 91

l. 22. **debeo** is the emendation of Lambinus adopted by Kö Hf for the vulgate *desino; recuso* Mu.

§ 92

l. 32. **quantum**] Or Ba Ka Kö Hf: *quam tum* **T E.**

§ 94

P. 38, l. 17. navem] Hf after Cobet reads *navis rectorem.*

§ 95

l. 31. **dum**] *cum* ed. Iuntina, quod necessario restituendum videtur Bakio Schol. Hypomn. IV p. 73. BAITER

l. 32. **arcum**] so Cobet, Koch, Hf La; *arcem* codd. Müller.

§ 97

P. 39, l. 28. vellet potius exscindi] so H. A. Koch *Mus. Rhen.* XIII p. 285, Hf Mu La; *vel potius exscindi* codd.

l. 30. omnis metus] Mu La vulgo; *omnes metus* cum duobus codd. Wunder, Köpke.

§ 98

P. 40, l. 7. tamen] so Or Mu La with **T E**: W Ba Köpke read with two inferior MSS *tantum*, most MSS have *tum*. W remarks that this confusion of *tamen*, *tantum* and *tum* is common in the MSS, and that it is only the sense that can determine our choice of the reading.

l. 8. ad Planciumque] *ad Plancium q.* i.e. *quaestorem* W after Manutius and so Köpke, but not Landgraf.

§ 100

l. 32. vi me inquam] so Ba Mu Hf with **T E**: *vi me, vi inquam* Ka La, *vi me, vi me inquam* Kö male: v. Madv. Op. I 453 sq.

§ 101

P. 41, l. 10. gratias] so Graevius W Ba La Mu with **T E**, Or Hf have *gratiam*.

§ 102

l. 22. *tuam* pro *tecum*, l. 23 *negare* pro *dare* Karsten.

§ 103

P. 42, l. 1. per vos, per fortunas] so W Ba Ka Mu La with **T E**. Orelli after Garatoni reads *per vos fortunas* i.e. *oro vos per fortunas*.

INDEX I

GEOGRAPHICUS ET HISTORICUS

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RERUM ET VERBORUM

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ADDENDA ET CORRIGENDA

P. 50 § **6** l. 18 **si te aut etc.** Cf. or. p. Mur. § 15 *paria cognosco esse ista in L. Murena atque ita paria, ut neque ipse dignitate a te vinci potuerit neque te dignitate superarit.*

P. 55 § **12** l. 20 *add:* or. ad Quir. p. red. § 16 *omnes qui vestris maximis beneficiis honoribusque sunt ornati*, p. Sest. § 74 l. 30 *ut ad senatus auctoritatem populi quoque Romani beneficium erga me adiungeretur*, where see my note.

l. 22. *add:* Cic. de nat. deor. III § 74 *Q. Sosius, splendidus eques Romanus*, where Mayor compares de fin. II 58 *C. Plotio, equite Romano splendido*, Verr. III 60 *equitibus Romanis non obscuris neque ignotis, sed honestis et illustribus* and adds 'the terms *splendidus* and *illustris*, here used vaguely of high birth or other distinction, acquired a more definite connotation under Augustus who constituted a separate class of knights possessing a senatorial income: to these were opposed the poorer knights, known as *modici*, see Tac. Ann. I 73, II 59, XI 4. Hence *splendidus* is used by itself to connote 'equestrian': see Baumgarten Crusius Index to Suetonius p. 618.'

P. 60 § **14** l. 26 *add:* Sallust Cat. c. 18, 3 *post paulo Catilina pecuniarum repetundarum reus prohibitus erat consulatum petere, quod intra legitimos dies profiteri nequiverat.* § **15**, l. **4** *add:* Hor. Epist. I 1, 16 *mersor civilibus undis.*

P. 77 § **23** l. 7 *ornamentum—firmamentum*, like *praesidium—decus:* Lucret. II 643 *praesidioque parent decorique parentibus esse*, Hor. Od. I i 2 *o et praesidium et dulce decus meum*, Sall. Jug. c. 19, 1 *eaeque (urbes)...pars originibus suis praesidio, aliae decori fuere.*

P. 108 § **40** l. 26 *add:* **proximo reo**] i.e. Vatinius. For *proximo* Cic. sometimes has *proximo superiore*, fam. I 9. 20, orat. § 216, nat. deor. III § 54, ib. II § 53 *proximus inferior.* So Vopiscus Prob. II *proximo superiore anno*, Tac. Ann. I 77 *proximo priore anno.* See Madv. Adv. II p. 243 E. (LANDGRAF)

P. 112 § **43** l. 25 *add:* p. Flacc. § 12 *timet ne quid cupide, ne quid iracunde, ne quid plus minusve quam sit necesse dicat*, part. orat. § 118.

P. 117 § **48** l. 19 *add:* **insto atque urgeo**] a favourite combination; cp. p. Font. § 34 (44); ep. Att. 1, 13, 3; de div. 2, 149; Mil. § 87, ep. Att. 13, 32, 1 *urge, insta, perfice;* Plaut. Merc. 725 *non possum, ita instas, urges quasi pro noxio.*

P. 150 § 65 l. 29 Puteolos] *add:* The anecdote is told with variations by Plutarch also, vit. Cic. c. 6, 3 *συντυχὼν ἀνδρὶ τῶν ἐπιφανῶν φίλῳ δοκοῦντι περὶ Καμπανίαν, ἐρέσθαι (φησὶ) τίνα δὴ τῶν πεπραγμένων ὑπ' αὐτοῦ λόγον ἔχουσι Ῥωμαῖοι καὶ τί φρονοῦσιν, ὡς ὀνόματος καὶ δόξης τῶν πεπραγμένων αὐτῷ τὴν πόλιν ἅπασαν ἐμπεπληκώς· τὸν δ' εἰπεῖν 'Ποῦ γὰρ ἦς, ὁ Κικέρων, τὸν χρόνον τοῦτον;' τότε μὲν οὖν ἐξαθυμῆσαι παντάπασιν, εἰ καθάπερ εἰς πέλαγος ἀχανὲς τὴν πόλιν ἐμπεσὼν ὁ περὶ αὐτοῦ λόγος οὐδὲν εἰς δόξαν ἐπίδηλον πεποίηκεν.*

P. 159 § 71 l. 13 *add:* The verb *iugulare*, as is pointed out by G. Landgraf on p. Rosc. Am. § 13, has a smack of vulgarity. It is found often in proverbs, as Ter. Adelph. 958 *suo sibi gladio hunc iugulo*. It is often used of a judicial murder as in p. Rosc. Am. § 29 *eum iugulandum vobis tradiderunt*, ep. Att. I, 16, 2 *plumbeo gladio iugulatum iri*, and is especially applied to the victims of the Sullan reign of terror, as in § 32 ib., Sall. Cat. c. 51, 34, Vell. Pat. II 28, 3, Oros. Hist. V 21, 5.

P. 169 § 77 l. 2 *add:* Landgraf adopts the reading *prae me feram* and gives his reasons for doing so in his *Kritischer Anhang:* 'Ich habe mich für Beibehaltung dieser Änderung entschlossen, weil an beiden Stellen (*Rosc. Am.* § 87, Planc. *ep. fam.* 10, 8, 4) die mit Recht verglichen werden können—denn die übrigen gehören der nachklass. Latinität an—*praeferre* mit einem substantivischen Objekt verbunden ist. Ebenso de rep. I § 52 *suam vitam ut legem praefert suis legibus*, welche Stelle M. (i.e. C. F. W. Müller) in d. adn. z. St. notiert.' Notwithstanding the distinctness of this note, Mr W. Y. Fausset in a critical notice of Landgraf's edition, which is in other respects unworthy of the editor of the *Cluentiana:* writes thus: 'In § 77 *praeferam* (TE) is *retained*, others reading *prae me feram;* for this use (generally post-classical) with substant. object, Landgraf compares *Rosc. Am.* § 87, de rep. I § 52.' These, it will be observed, are two of the passages which L. quotes, with a contrary view, viz. to show that the construction in the *p. Planc.* is different, and that therefore *praeferam* is inadmissible.

P. 170 § 78 l. 19 *add:* The sense, however, may be:—'not only, where your vital interests are concerned, but even where it was only a question of winning additional distinction, I would have faced any danger to help you,' i.e. not only in great but in little matters. The transition is from less to greater, the service being greater, where the need was less.

P. 174 § 81 l. 19 *add:* But here, as in § 78, the transition may be from less to greater. 'It is a greater thing to be bound by every little kindness, even of word, than only to be bound by an actual definite service rendered.'

P. 178 § 84 l. 16 *add:* On this use of the word *ansa*, see my note to or. p. Sest. § 22 l. 25 ed. 3.

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